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1989



JIM EDGAR
Secretary of State

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Illinois register

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ILLINOIS REGISTER

Rules of Governmental Agencies

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INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. Rulemaking activity consists of proposed or adopted new rules or amendments to or repealers of existing rules, including those by emergency or peremptory action.

The *Register* also contains Executive Orders and Proclamations issued by the Governor, notices of public information required by State statute, and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies. In addition, the *Register* contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current *Register* volume and a Sections Affected Index listing, by Title of the *Illinois Administrative Code*, each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume. Both indices are action coded and are designed to aid the public in monitoring rules.

The *Register* will serve as the update to the *Illinois Administrative Code*, a compilation of the rules of State agencies. The most recent edition of the *Code* along with the *Register* comprise the most current accounting of the State agencies' rules.

The *Illinois Register* is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1985, ch. 127, pars. 1001 et seq., as amended).

REGISTER PUBLICATION SCHEDULE 1989

Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:	Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:
Dec. 20, 1988	Dec. 27, 1988	1	Jan. 6, 1989	June 27, 1989	July 3, 1989 (Mon.)	28	July 14, 1989
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May 9, 1989	May 16, 1989	21	May 26, 1989	Nov. 14, 1989	Nov. 21, 1989	48	Dec. 1, 1989
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Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).

THE HISTORY OF THE

The history of the world is a subject of great interest and importance. It is a subject which has attracted the attention of all ages and all nations. The history of the world is a subject which has attracted the attention of all ages and all nations.

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Year	Event
1776	Declaration of Independence
1789	French Revolution
1804	Napoleon's Coronation
1812	War of 1812
1848	Revolution of 1848
1861	Civil War
1871	Paris Commune
1891	Boxer Rebellion
1901	Sino-Japanese War
1914	World War I
1917	Russian Revolution
1929	Great Depression
1939	World War II
1945	End of World War II
1949	Chinese Revolution
1954	Korean War
1959	Cuban Revolution
1961	Bay of Pigs
1962	Cuban Missile Crisis
1968	Tet Offensive
1973	Yom Kippur War
1979	Iranian Revolution
1981	AIDS
1989	Chinese Revolution
1991	Soviet Union
1994	Rwandan Genocide
1997	Asian Financial Crisis
1999	Kosovo War
2001	9/11
2003	Iraq War
2008	Financial Crisis
2009	Obama
2011	Arab Spring
2012	European Debt Crisis
2013	Ebola
2014	Russian Invasion of Ukraine
2015	Paris Agreement
2016	Trump
2017	Brexit
2018	North Korea
2019	COVID-19

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of Part: Illinois Pseudorabies Control Act
- 2) Code Citation: 8 Ill. Adm. Code 115
- 3) Section Number: Proposed Action:
115.50 Amend
- 4) Statutory Authority: Illinois Pseudorabies Control Act (Ill. Rev. Stat. 1987, ch. 8, pars. 801.1 and 805)
- 5) A Complete Description of the Subjects and Issues Involved:

The amendment allows herds that are currently recognized as qualified pseudorabies negative to become a pseudorabies controlled vaccinated herd without having to do another complete herd test. By vaccinating, a herd owner can give some protection to the animals if the herd is located near a source of pseudorabies infection. A differential test is now available that can tell the difference between field titer and the titer produced by a vaccine.

The Advisory Board of Livestock Commissioners at its meeting on November 28, 1989, approved the proposed amendment and directed the Department of Agriculture to initiate rulemaking.

- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? Yes
- | Section Numbers | Proposed Action | Illinois Register Citation |
|------------------------|-----------------|-----------------------------------|
| 115.20, 115.40, 115.80 | Amendments | Oct. 13, 1989; 13 Ill. Reg. 15942 |
- 10) Statement of Statewide Policy Objectives: Rule does not affect units of local governments.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

A 45-day written comment period will be granted for receiving comments from the public. This comment period will begin on the day the notice of rulemaking appears in the Illinois Register. Comments should be sent to the Director, Department of Agriculture, State Fairgrounds, P.O. Box 19281, Springfield, Illinois 62794-9281.

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

This proposed rulemaking may have an impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Illinois Administrative Procedure Act, small businesses may present their comments to the Director as outlined above.

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: December 4, 1989
- B) Types of small businesses affected: Veterinarians, owners of swine
- C) Reporting, bookkeeping or other procedures required for compliance:
The amendment permits herds currently recognized as qualified pseudorabies negative to become a pseudorabies controlled vaccinated herd without having to do another complete herd test.
- D) Types of professional skills necessary for compliance:
Basic management.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF AGRICULTURE

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS
(EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)

PART 115

ILLINOIS PSEUDORABIES CONTROL ACT

Section	Definitions
115.10	Incorporation by Reference
115.15	Pseudorabies Quarantines
115.20	General Requirements for Qualified Pseudorabies
115.30	Negative, Controlled Vaccinated and Feeder Swine Pseudorabies Monitored Herds
115.40	Requirements for Establishing and Maintaining Qualified Pseudorabies Negative Herds
115.50	Requirements for Establishing and Maintaining Pseudorabies Controlled Vaccinated Swine Herds
115.60	Requirements for Establishing and Maintaining Feeder Swine Pseudorabies Monitored Herds
115.70	Pseudorabies Test Requirements for Intrastate Movement
115.80	Pseudorabies Testing of Feeder Swine
115.90	Feeder Swine
115.100	Breeding Animals Consigned to Slaughter

AUTHORITY: Implementing and authorized by the Illinois Pseudorabies Control Act (Ill. Rev. Stat. 1987, ch. 8, par. 801 et seq.).

SOURCE: Adopted at 12 Ill. Reg. 3394, effective January 22, 1988; amended at 13 Ill. Reg. 3685, effective March 13, 1989; amended at 14 Ill. Reg. _____, effective _____.

Section 115.50

Requirements for Establishing and Maintaining Pseudorabies Controlled Vaccinated Swine Herds

- a) Initial Requirements:
- 1) Herds which are not under quarantine for pseudorabies shall be granted pseudorabies controlled vaccinated herd status upon completion of one negative herd test of all breeding swine 6 months of age and over provided the entire herd of swine 10 months of age and over are vaccinated with a pseudorabies vaccine licensed by the U. S. Department of Agriculture and administered under the supervision of an accredited veterinarian within 15 days after such test or the herd is currently approved as a qualified pseudorabies negative herd.

dorabies negative herd. The vaccine shall be a product for which there is a laboratory test available to differentiate between vaccine and field infection titers.

2) A minimum of 90 percent of the herd shall have been on the premises for at least 90 days OR originate directly from a qualified pseudorabies negative swine herd or from another pseudorabies controlled vaccinated herd.

3) If positive swine are disclosed in a herd in the process of becoming a pseudorabies controlled vaccinated herd, the positive swine shall be immediately isolated from the remainder of the herd and may be retested at the owner's expense with the special laboratory test designated to determine vaccination titers from field exposure. If the swine are determined to be positive only as a result of vaccination titers, the herd shall then be granted pseudorabies controlled vaccinated herd status. If the swine are determined to be infected with field virus, the positive swine shall be disposed of for slaughter OR be maintained on another premises separate and apart from that where the negative swine are maintained. The premises shall be cleaned and disinfected following removal of the positive swine. The herd shall then be granted pseudorabies controlled vaccinated herd status when it has complied with the provisions of Section 115.50(a)(1).

b) Maintenance Requirements:

1) Pseudorabies controlled vaccinated herd status shall be maintained continuously by a negative retest of 25 percent of the qualified herd at approximately each 90 days (80-105 days) OR 10 percent of the qualified herd at approximately each 30 days (25-35 days). Breeding stock in the herd 6 months of age and over, in a number equal to 25 percent of the number in the breeding herd on the date of the maintenance test shall be included in the 90- or 30-day test. The same animals shall not be retested for requalification purposes in any 12-month period, except during the first 12-month period following the initial qualification test. If the members of the qualified herd are maintained on more than one premises, 25 or 10 percent of the swine on each

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

premises shall be retested as required. If the 25 or 10 percent retests are not conducted when due, the requalification requirements shall then be the same as for initial qualification.

2) Offspring to be retained in a pseudorabies controlled vaccinated herd as breeding swine shall be tested and negative to an official test for pseudorabies upon reaching 10 months of age and shall then be vaccinated against pseudorabies with an approved vaccine in accordance with Section 115.50(a)(1) within 15 days after such test.

3) If positive swine are disclosed on a maintenance test, or on a test for any other purpose, pseudorabies controlled vaccinated herd status shall be suspended. Positive swine shall be immediately isolated from the remainder of the herd and may be retested at owner's expense with the special laboratory test designated to determine vaccination titers from field exposure. If the swine are determined to be positive only as a result of vaccination titer, the pseudorabies controlled vaccinated herd status will be restored. If the swine are determined to be infected with field virus, they shall be disposed of for slaughter OR maintained on another premises separate and apart from that where the negative swine are maintained. The premises shall be cleaned and disinfected following removal of the positive swine and a retest conducted in 30 days on all unvaccinated swine 16 weeks of age and over. If this 30-day retest is negative, then all swine 16 weeks of age and over shall be retested again at the end of 30 days (60 days following removal of positive swine) and, if negative, pseudorabies controlled vaccinated herd status shall be reinstated.

c) Additions:

1) Swine from any qualified pseudorabies negative herd may enter an Illinois pseudorabies controlled vaccinated herd without test and shall be vaccinated in accordance with Section 115.50(a)(1) within 30 days of entry into the herd.

2) Pseudorabies vaccinated swine originating from another pseudorabies controlled vaccinated herd may enter an Illinois pseudorabies controlled vaccinated

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

herd upon evidence of a negative official test for pseudorabies conducted within 60 days prior to entry from another Illinois herd and within 30 days prior to entry from another state.

3) Unvaccinated swine originating from an Illinois pseudorabies controlled vaccinated herd may enter another Illinois pseudorabies controlled vaccinated herd without a pseudorabies test and shall be vaccinated in accordance with Section 115.50(a)(1) within 30 days of entry into the herd.

4) Swine originating from other than an Illinois pseudorabies controlled vaccinated herd OR a qualified pseudorabies negative herd shall be negative to an official test for pseudorabies conducted within 60 days prior to entry into the herd from another Illinois herd and within 30 days prior to entry from another state. All such swine shall be held in isolation from the other members of the pseudorabies controlled vaccinated herd, and shall be retested and negative to an official test for pseudorabies not less than 30 nor more than 60 days following entry. Swine shall then be vaccinated in accordance with Section 115.50(a)(1) within 30 days of entry into the herd.

5) Swine from a pseudorabies controlled vaccinated herd which are exhibited or are otherwise commingled with swine from any other herd shall be held in isolation on the herd premises for a minimum of 30 days after return AND shall be tested and negative to an official test for pseudorabies before being reunited with other members of the pseudorabies controlled vaccinated herd.

6) Additions to a pseudorabies controlled vaccinated herd shall be tested and negative to an official test for pseudorabies upon reaching 10 months of age and shall then be vaccinated against pseudorabies with a pseudorabies vaccine in accordance with Section 115.50(a)(1).

d) Sales: Pseudorabies vaccinated swine originating from a pseudorabies controlled vaccinated herd may be loaned, leased, traded, or sold for breeding purposes within Illinois; provided, the purchaser is informed that the

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

swine are from a pseudorabies controlled vaccinated herd.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED RULES

1) Heading of the Part: Technology Advancement and Development Act Programs

2) Code Citation: 14 Ill. Adm. Code 545

<u>Section Numbers:</u>	<u>Proposed Action:</u>
545.10	New Section
545.20	New Section
545.30	New Section
545.40	New Section
545.50	New Section
545.60	New Section
545.70	New Section
545.110	New Section
545.120	New Section
545.130	New Section
545.140	New Section
545.150	New Section
545.160	New Section
545.170	New Section
545.180	New Section
545.190	New Section
545.195	New Section
545.210	New Section
545.215	New Section
545.220	New Section
545.225	New Section
545.230	New Section
545.235	New Section
545.240	New Section
545.245	New Section
545.250	New Section
545.255	New Section
545.260	New Section
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545.270	New Section
545.275	New Section
545.280	New Section
545.285	New Section
545.290	New Section
545.310	New Section
545.315	New Section
545.320	New Section
545.325	New Section
545.330	New Section
545.335	New Section
545.340	New Section
545.345	New Section

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED RULES

545.350 New Section
 545.355 New Section
 545.360 New Section
 545.365 New Section
 545.410 New Section
 545.420 New Section
 545.430 New Section
 545.440 New Section
 545.450 New Section
 545.460 New Section
 545.470 New Section
 545.480 New Section
 545.490 New Section
 545.495 New Section

- 4) Statutory Authority: Implementing and authorized by the Technology Advancement and Development Act (P.A. 86-870, effective September 8, 1989).

5) A Complete Description of the Subjects and Issues Involved: The Technology Advancement and Development Act (Act) took effect September 8, 1989. This rulemaking serves to implement five new programs which the Act authorizes: the Technology Challenge Grant Program (Subpart A), the Technology Venture Investment Program (Subpart B), the Business Modernization Retooling Loan Program (Subpart C), the Business Modernization Assessment Grant Program (Subpart D), and the Development Corporation Program (Subpart E). All Subparts provide a purpose and definitions section and specify provisions governing eligibility of applicants; application requirements, process, and review; and administrative requirements. Each Subpart contains additional provisions unique to its program. Subpart B includes a Section on allowable leverage. Subpart C specifies loan provisions governing agreements, terms, security, termination, default, and maintenance and insurance of property. This Subpart also addresses waivers, leverage, and audits. Subpart D has separate Sections dealing with the modification, suspension, and termination of a grant as well as project reporting. Subpart E includes Sections on audits; modification, suspension and termination of financial assistance; and relending.

- 6) Will these proposed rules replace an emergency rule currently in effect? Yes.

- 7) Does this rulemaking contain an automatic repeal date? No.

- 8) Do these proposed rules contain incorporations by reference? No.

- 9) Are there any proposed amendments pending on this Part? No.

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED RULES

- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act (Ill. Rev. Stat. 1987, ch. 85, par. 2203).
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this proposed rulemaking in writing within 45 days after this edition of the Illinois Register to the following:

Mr. Dennis R. Whetstone, Deputy Director
 Department of Commerce and Community Affairs
 Bureau of Program Administration
 620 East Adams Street, 5th floor
 Springfield, Illinois 62701
 (217) 782-6136

- 12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: December 1, 1989.
- B) Types of small businesses and small municipalities affected: These rules do not affect small municipalities. Eligible small businesses may submit applications under any of the Subparts.
- C) Reporting, bookkeeping or other procedures required for compliance:

Reporting Requirements:

Subpart A - expenditure summaries (monthly) and program reports (30 days following end of each reporting period).

Subpart B - quarterly financial and narrative program reports.

Subpart C - semi-annual program report.

Subpart D - general reports (within 30 days of request), consultant report (within 30 days of the end of the grant agreement), recipient narrative analysis (within 30 days of the end of the grant agreement), productivity status report (within 30 calendar days of the one-year anniversary date of the signature of the grant), and expenditure summaries.

Subpart E - annual progress reports.

Audit Requirements:

Subparts A, B, C, and E require program audits. Special audits may be conducted under Subpart D.

- D) Types of professional skills necessary for compliance: Applicants should possess the necessary skills for compliance.

The full text of the Proposed Rules is the same as the text of Emergency Rules appearing on page 19753 of this Illinois Register.

ILLINOIS COMMERCE COMMISSION
NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Freight Bills and Bills of Lading
- 2) Code Citation: 92 Ill. Adm. Code 1415
- 3) Section Numbers:
1415.10 Amendment
1415.20 Amendment
1415.35 Amendment
- 4) Statutory Authority: Implementing Section 18c-4807 and authorized by Section 18c-1202(9) of the Illinois Commercial Transportation Law (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 18c-4807 and 18c-1202(9)).
- 5) A Complete Description of the Subjects and Issues Involved:
92 Ill. adm. Code 1415, "Freight Bills and Bills of Lading," contains the Commission's rules concerning the content and the handling procedures for freight bills and bills of lading issued by common carriers of property by motor vehicles. Part 1415 implements Section 18c-4807 of the Illinois Commercial Transportation Law, which requires bills of lading or similar documentation. Section 18c-4807(2)(a) requires the Commission to prescribe simplified documentation for certain listed classes of carriers.

The Commission is also given the authority to prescribe such less burdensome documentation for other classes as the Commission may, from time to time, determine.

The Commission proposes to amend Part 1415 to provide a simplified documentation for all classes of common carriers of property by motor vehicle.
- 6) Will these proposed amendments replace an emergency amendment currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Do these proposed amendments contain incorporations by reference? No.
- 9) Are there any other proposed amendments pending on this Part? No.

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ILLINOIS COMMERCE COMMISSION
NOTICE OF PROPOSED AMENDMENTS

- 10) Statement of Statewide Policy Objectives? These proposed amendments neither create nor expand any state mandate on units of local government, school districts, or community college districts.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Any person who plans to submit comments should file a notice of intent thereof, within 21 days of the date of this issue of the Illinois Register with:

Director of Processing
Transportation Division
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62706

Comments should be filed with the Director of Processing within 45 days of the date of this issue of the Illinois Register.
- 12) Initial Regulatory Flexibility Analysis:

A) Date amendments were submitted to Business Assistance Office of the Department of Commerce and Community Affairs: December 4, 1989

B) Types of small businesses affected: These proposed amendments will affect those motor carriers of property that are also small businesses as defined in the Illinois Administrative Procedure Act.
- C) Reporting, bookkeeping or other procedures required for compliance: Record keeping.
- D) Types of professional skills necessary for compliance: Managerial skills.

The full text of Proposed Amendments begins on the next page:

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

TITLE 92: TRANSPORTATION
CHAPTER III: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER b: MOTOR CARRIERS OF PROPERTY

PART 1415

FREIGHT BILLS AND, BILLS OF LADING, OR OTHER FORMS

Section

1415.5 Application of Part 1415

1415.10 Freight Bills

1415.20 Bills of Lading or Other Forms

1415.30 Consecutive Numbering of Bills

1415.35 Retention of Bills or Forms

AUTHORITY: Implementing Section 18c-4807 and authorized by Section 18c-1202(9) of the Illinois Commercial Transportation Law (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 18c-4807 and 18c-1202(9)).

SOURCE: Adopted at 4 Ill. Reg. 23, p. 75, effective May 28, 1980; codified at 8 Ill. Reg. 8905; Part recodified at 10 Ill. Reg. 18002; amended at 11 Ill. Reg. 16112, effective October 1, 1987; amended at Ill. Reg. , effective

Section 1415.10 Freight Bills

- a) Every common carrier of property by motor vehicle shall, when collecting transportation charges, issue or cause to be issued a freight bill covering each shipment. One bill can cover more than one shipment provided the information required by subsections (b) and (c) is shown for each shipment included in the bill. the original of such freight bill shall be receipted on payment of the transportation charges.

- b) Each freight bill shall show:

- 1) The name and motor-carrier-{"MCU"}-number of the carrier;
- 2) The names of the consignor and consignee (the freight bill for reconsigned shipments need not show the name of the original consignor);
- 3) The dates the shipment was received by the carrier for transportation;

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- 4) The points of origin and destination (the freight bill for reconsigned shipments need not show the original shipping point);

- 5) The number of packages, description of the articles (actual description of the articles is not necessary if the shipment is being transported under an operating authority for general commodities, or packages or parcels, and if the shipment weighs less than 200 pounds, and if the rates for the transportation do not vary based on the commodity transported) and weight, volume or measurement of the property transported (if the lawfully applicable rates or charges are published to apply per unit of weight, volume or measurement);

- 6) The exact rate or rates assessed;

- 7) The total charges to be collected, including a statement of the nature and amount of any charges for accessorial service, and the points at which such service was rendered; and

- 8) The route or movement indicating each carrier participating in the transportation service, and the transfer point or points through which the shipment moved. If more than one carrier provided service on a shipment, each carrier participating shall be named, along with the points, at which the freight was transferred.

- c) Each carrier freight bill shall relate to and be cross-referenced to a specific bill of lading, or other forms (see Section 1415.20).

(Source: Amended at Ill. Reg. , effective)

Section 1415.20 Bills of Lading or Other Forms

- a) Every common carrier of property by motor vehicle shall, upon receipt of property for transportation, issue or cause to be issued a bill of lading or other forms.

- b) Each bill of lading or other form shall show:

- 1) The names of the consignor and consignee;

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- 2) The points of origin and destination;
- 3) The number of packages (if applicable);
- 4) A description of the commodity(s) shipped actual description of the articles is not necessary if the shipment is being transported under an operating authority for general commodities, or packages or parcels, and if the shipment weighs less than 200 pounds, and if the rates for the transportation do not vary based on the commodity transported; and
- 5) The weight, volume or measurement (if the lawfully applicable rates or charges are published to apply per unit of weight, volume or measurement) of the property received.
- 6) ~~Each bill of lading shall show~~ The date the property was received by the carrier for transportation, and such date shall be the date observed for the purpose of assessing rates.

(Source: Amended at Ill. Reg. , effective)

Section 1415.35 Retention of Bills or Forms

Freight bills and bills of lading, or other forms for each shipment transported under the authority of a license issued by the Illinois Commerce Commission must be kept as part of the records of the carrier.

(Source: Amended at Ill. Reg. , effective)

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- 1) Heading of the Part: Minimum Safety Standards for Transportation of Gas and for Gas Pipeline Facilities
- 2) Code Citation: 83 Ill. Adm. Code 590
- 3) Section Numbers: Proposed Action:
590.10 Amendment
- 4) Statutory Authority: Implementing and authorized by Section 3 of the Illinois Gas Pipeline Safety Act (Ill. Rev. Stat. 1987, ch. 111 2/3, par. 553)
- 5) A Complete Description of the Subjects and Issues Involved:
Part 590 currently incorporates by reference 49 CFR 192 and 193 as the Commission's safety standards for transportation of gas and for gas pipeline facilities. Section 3 of the Illinois Gas Pipeline Safety Act ("Act") requires the Commission's rules to be as inclusive and as stringent as the Federal safety standards and compatible with the Federal safety standards.
- 6) Will this proposed amendment replace an emergency amendment currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Does this proposed amendment contain incorporations by reference? Yes.
- 9) Are there any other proposed amendments pending on this Part? No.
- 10) Statement of Statewide Policy Objectives? This proposed amendment neither creates nor expands any state mandate on units of local government, school districts, or community college districts.

The United States Department of Transportation (USDOT) has recently completed rulemaking activity which necessitates amendment of the Commission's rules. USDOT has amended 49 CFR 191.23 concerning reporting safety-related conditions by pipelines and has adopted 49 CFR 199, concerning drug testing by owners or operators of pipeline facilities that are subject to 49 CFR 192, 193, or 195. In order to comply with Section 3 of the Act, it is necessary to include 49 CFR 191.23 and 49 CFR 199 in the Commission's standards.

Will this proposed amendment replace an emergency amendment currently in effect? No.

Does this rulemaking contain an automatic repeal date? No.

Does this proposed amendment contain incorporations by reference? Yes.

Are there any other proposed amendments pending on this Part? No.

Statement of Statewide Policy Objectives? This proposed amendment neither creates nor expands any state mandate on units of local government, school districts, or community college districts.

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- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Any person who plans to submit comments should file a notice of intent thereof, within 21 days of the date of this issue of the Illinois Register with:

Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62706

Comments should be filed with the Chief Clerk within 45 days of the date of this issue of the Illinois Register.

- 12) Initial Regulatory Flexibility Analysis:

- A) Date amendment was submitted to Business Assistance Office of the Department of Commerce and Community Affairs: December 1, 1989
- B) Types of small businesses affected: This amendment will affect any gas pipelines or gas utilities that are small businesses as defined in the Illinois Administrative Procedure Act.
- C) Reporting, bookkeeping or other procedures required for compliance: Reporting procedures.
- D) Types of professional skills necessary for compliance: Managerial skills.

The full text of Proposed Amendment begins on the next page:

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TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER d: GAS UTILITIES

PART 590

MINIMUM SAFETY STANDARDS FOR TRANSPORTATION OF GAS AND FOR GAS PIPELINE FACILITIES

Section
590.10 Standards

AUTHORITY: Implementing and authorized by Section 3 of the Illinois Gas Pipeline Safety Act (Ill. Rev. Stat. 1987, ch. 111 2/3, par. 553).

SOURCE: Filed effective November 28, 1977; amended at 3 Ill. Reg. 5, p. 761, effective February 3, 1979; amended at 3 Ill. Reg. 11, p. 25, effective March 17, 1979; amended at 4 Ill. Reg. 1, p. 23, effective January 1, 1980; amended at 5 Ill. Reg. 6778, effective June 16, 1981; rules repealed, new rules adopted and codified at 7 Ill. Reg. 12858, effective September 16, 1983; amended at 8 Ill. Reg. 13195, effective July 16, 1984; amended at 10 Ill. Reg. 19405, effective November 15, 1986; amended at 11 Ill. Reg. 11733, effective July 1, 1987; amended at 12 Ill. Reg. 11707, effective July 15, 1988; recodified from 92 Ill. Adm. Code 1800 at 12 Ill. Reg. 12997; amended at 13 Ill. Reg. 16968, effective November 1, 1989; amended at 111. Reg. , effective

Section 590.10 Standards

- a) The Illinois Commerce Commission adopts the standards contained in 49 CFR 191.23, 192, and 193 and 199 as of January 1, 1989, as its minimum safety standards for the transportation of gas and for gas pipeline facilities.

- b) No later amendment or editions are incorporated by this Part.

(Source: Amended at 111. Reg. , effective)

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NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Income Tax
- 2) Code Citation: 86 Ill. Adm. Code 100
- 3) Section Numbers:
 100.9060
 100.9070
 100.9110
 100.9130
 100.9140
- Proposed Action:
 Amendment
 Amendment
 Amendment
 Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 120, pars. 9-904, 9-905, 9-909, 9-911, 9-912

5) A Complete Description of the Subjects and Issues Involved:

Sections 100.9060 and 100.9110 are amended to correct citations to the regulations and to add and delete language to reconcile the Secretary of State Code Division and Illinois Register versions of the regulations.

Section 100.9070 is amended to correct citations to the regulations and to incorporate statutory changes, including the changes made by P.A. 86-383 which deletes the requirement to report "State changes."

Section 100.9130 is amended to incorporate statutory changes and to reconcile the Secretary of State Code Division and Illinois Register versions of the regulations.

Section 100.9140 is amended to incorporate statutory changes, including the changes made by P.A. 86-905 which deletes the requirement to report "State changes."

- 6) Will this proposed rule replace an emergency rule currently in effect?
 No

- 7) Does this rulemaking contain an automatic repeal date? Yes ☐ No ☒

- 8) Does this amendment contain incorporations by reference? No

- 9) Are there any other amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
100.2900	Amendment	7/7/89, 13 Ill. Reg. 10772
100.2901	New Section	7/7/89, 13 Ill. Reg. 10772
100.2902	New Section	7/7/89, 13 Ill. Reg. 10772
100.2903	New Section	7/7/89, 13 Ill. Reg. 10772
100.2904	New Section	7/7/89, 13 Ill. Reg. 10772

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- 10) Statement of Statewide Policy Objectives: N/A

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rule may submit them in writing by no later than 45 days after publication of this notice to:

Jacqueline R. Elledge
 Staff Attorney
 Illinois Department of Revenue
 101 West Jefferson
 Springfield, Illinois 62794
 Phone: (217) 782-7055

- 12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: November 28, 1989

- B) Types of small businesses affected:

These regulations will generally affect all types of businesses.

- C) Reporting, bookkeeping or other procedures required for compliance:

No additional reporting or bookkeeping procedures are required for compliance with this regulation over the current record-keeping requirements.

- D) Types of professional skills necessary for compliance: The proposed regulations do not require a taxpayer to increase his or her professional expertise to a level beyond what is already necessary.

The full text of the Proposed Amendment(s) begins on the next page:

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TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUEPART 100
INCOME TAX

SUBPART A: TAX IMPOSED

Section 100.2000	Personal Property Tax Replacement Income Tax (hereinafter PPRIT) for Taxable Years Beginning Prior to July 1, 1979, and Ending After June 30, 1979 - Specific Accounting - In General (IITA Section 201) (Repealed)
100.2050	Personal Property Tax Replacement Income Tax (PPRIT) for Taxable Years Beginning Prior to July 1, 1979, and Ending After June 30, 1979 - Specific Accounting - Carryover Items (IITA Section 201) (Repealed)
100.2100	Personal Property Tax Replacement Income Tax (PPRIT) for Taxable Years Beginning Prior to July 1, 1979, and Ending After June 30, 1979 - Specific Accounting - Carryback Items (IITA Section 201) (Repealed)
100.2150	Personal Property Tax Replacement Income Tax (PPRIT) for Taxable Years Beginning Prior to July 1, 1979, and Ending After June 30, 1979 - Specific Accounting - Partnership Income (IITA Section 201) (Repealed)
100.2200	Personal Property Tax Replacement Income Tax (PPRIT) for Taxable Years Beginning Prior to July 1, 1979, and Ending After June 30, 1979 - Specific Accounting - Long Term Contracts Reported on the Completed Contract Method (IITA Section 201) (Repealed)
100.2250	Personal Property Tax Replacement Income Tax (PPRIT) for Taxable Years Beginning Prior to January 1, 1981, and Ending After December 31, 1980 - Specific Accounting - In General (IITA Section 201) (Repealed)
100.2300	Personal Property Tax Replacement Income Tax (PPRIT) for Taxable Years Beginning Prior to January 1, 1981, and Ending After December 31, 1980 - Specific Accounting - Carryover Items (IITA Section 201) (Repealed)
100.2350	Personal Property Tax Replacement Income Tax (PPRIT) for Taxable Years Beginning Prior to January 1, 1981, and Ending After December 31, 1980 - Specific Accounting - Carryback Items (IITA Section 201) (Repealed)
100.2400	Personal Property Tax Replacement Income Tax (PPRIT) for Taxable Years Beginning Prior to January 1, 1981, and Ending After December 31, 1980 - Specific Accounting - Partnership Income (IITA Section 201) (Repealed)
100.2450	Personal Property Tax Replacement Income Tax (PPRIT) for Taxable Years Beginning Prior to January 1, 1981, and Ending After December 31, 1980 - Specific Accounting - Long Term Contracts

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Reported on the Completed Contract Method (IITA Section 201) (Repealed)

100.2500	Scope of 86 Ill. Adm. Code 100.2000 through 100.2450 (Repealed)
100.2550	Net Income (IITA Section 202)
100.2560	Illinois Net Loss Deduction for Losses Occurring On or After December 31, 1986 (IITA 207)
100.2561	Computation of the Illinois Net Loss Deduction for Losses Occurring On or After December 31, 1986 (IITA 207)
100.2562	Determination of the Amount of Illinois Net Loss for Losses Occurring On or After December 31, 1986
100.2563	Illinois Net Loss Carrybacks and Net Loss Carryovers for Losses Occurring On or After December 31, 1986
100.2564	Illinois Net Losses and Illinois Net Loss Deductions for Losses Occurring On or After December 31, 1986, of Corporations that are Members of a Unitary Business Group: Separate Unitary Versus Combined Unitary Returns
100.2565	Illinois Net Losses and Illinois Net Loss Deductions for Losses Occurring On or After December 31, 1986, of Corporations that are Members of a Unitary Business Group: Changes in Membership Special Transitional Rules (IITA Section 202) (Repealed)
100.2600	Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group (IITA Section 202) - Scope
100.2650	Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group (IITA Section 202) - Definitions
100.2675	Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group (IITA Section 202) - Current Net Operating Losses: Offsets Between Members
100.2700	Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group (IITA Section 202) - Carrybacks and Carryforwards
100.2750	Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group (IITA Section 202) - Effect of Combined Net Operating Loss in Computing Illinois Base Income
100.2800	Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group (IITA Section 202) - Deadline for Filing Claims Based on Net Operating Losses Carried Back From a Combined Apportionment Year.
100.2850	Investment Tax Credits
100.2900	Capital Gain Income of Estates and Trusts Paid to or Permanently Set Aside For Charity
100.2950	

SUBPART B: ALLOCATION AND APPORTIONMENT OF BASE INCOME

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Section
100.3000 Terms Used in Article 3 (IITA Section 301)
100.3050 Business and Nonbusiness Income (IITA Section 301)
100.3100 Compensation (IITA Section 302)
100.3150 State (IITA Section 302)
100.3200 Taxability in Other State (IITA Section 303)
100.3250 Resident (IITA Section 301)
100.3300 Commercial Domicile (IITA Section 303)
100.3350 Allocation and Apportionment of Base Income (IITA Section 304)
100.3400 Allocation of Compensation Paid to Nonresidents (IITA Section 302)
100.3450 Allocation of Certain Items of Nonbusiness Income by Persons Other than Residents (IITA Section 303)
100.3500 Business Income of Persons Other than Residents (IITA Section 304) - In General
100.3510 Business Income of Persons Other Than Residents (IITA Section 304) - Apportionment
100.3520 Business Income of Persons Other Than Residents (IITA Section 304) - Allocation
100.3530 Business Income of Persons Other Than Residents (IITA Section 304)
100.3550 Property Factor (IITA Section 304)
100.3600 Payroll Factor (IITA Section 304)
100.3650 Sales Factor (IITA Section 304)
100.3700 Special Rules (IITA Section 304)

SUBPART C: RECORDS, RETURNS AND NOTICES

Section
100.5200 Time for Filing Returns: (IITA Section 505)
100.5250 Time for Filing Returns: Corporations (IITA Section 505) (Repealed)
100.5300 Time for Filing Returns: Cooperatives (IITA Section 505) (Repealed)
100.5350 Time for Filing Returns: Partnerships (IITA Section 505) (Repealed)
100.5400 Time for Filing Returns: Estates and Trusts (IITA Section 505) (Repealed)
100.5450 Place for Filing Returns: All Taxpayers (IITA Section 505)
100.5500 Extensions of Time for Filing Returns: All Taxpayers (IITA Section 505)
100.5550 Short Year Returns of Newly Acquired Subsidiaries (IITA Section 505) (Repealed)
100.5600 Taxpayer's Notification to the Department of Certain Federal Changes Arising in Federal Consolidated Return Years, and Arising in Certain Loss Carryback Years (IITA Section 506)
100.5700 Composite Returns: Eligibility
100.5702 Composite Returns: Responsibilities of Authorized Agent

Composite Returns: Individual Liability
Composite Returns: Required Forms and computation of Income
Composite Returns: Estimated Payments
Composite Return: Tax, Penalties and Interest
Composite Returns: Credit for Resident Individuals
Composite Returns: Definition of a "Lloyd's Plan of Operation"
Election to File a Combined Return
Procedure for Making the Election
Designated Agent for the Members
Combined Estimated Tax Payments
Claims for Credit of Overpayments
Liability for Combined Tax, Penalty and Interest
Combined Amended Returns
Computation of Combined Income and Tax
Definitions and Miscellaneous Provisions Relating to Combined Returns

SUBPART D: INCOME TAX WITHHOLDING

Section
100.7000 Requirement of Withholding (IITA Section 701)
100.7010 Compensation Paid in this State (IITA Section 701)
100.7020 Transacting Business Within this State (IITA Section 701)
100.7030 Payments to Residents (IITA Section 701)
100.7040 Employer Registration (IITA Section 701)
100.7050 Computation of Amount Withheld (IITA Section 701)
100.7060 Additional Withholding (IITA Section 701)
100.7070 Voluntary Withholding (IITA Section 701)
100.7080 Correction of Underwithholding or Overwithholding (IITA Section 701)
100.7090 Reciprocal Agreement (IITA Section 701)
100.7100 Cross References
100.7150 Withholding Exemption (IITA Section 702)
100.7200 Withholding Exemption Certificate (IITA Section 702)
100.7250 Exempt Withholding Under Reciprocal Agreements (IITA Section 702)
100.7300 Reports for Employee (IITA Section 703)
100.7350 Returns of Income Withheld from Wages (IITA Section 704)
100.7400 Quarterly Returns Filed on Annual Basis (IITA Section 704)
100.7450 Time for Filing Returns (IITA Section 704)
100.7500 Payment of Tax Deducted and Withheld (IITA Section 704)
100.7510 Correction of Underwithholding or Overwithholding (IITA Section 704)
100.7550 Requirement of Withholding-Personal Service Contracts (IITA Section 708)
100.7560 Contracts Indeterminate as to Amount (IITA Section 708)
100.7570 Series of Identical Contracts (IITA Section 708)
100.7580 Personal Service Contract (IITA Section 708)

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100.7590	Presence Necessitated (IITA Section 708)
100.7600	Certification of Residence (IITA Section 708)
100.7610	Identities Specified in the Contract (IITA Section 708)
100.7620	Net Amount (IITA Section 708)
100.7630	Coordination with IITA Section 701 (IITA Section 708)
100.7640	Requirement of Withholding-Prizes and Awards (IITA Section 709)
100.7650	Promoter (IITA Section 709)
100.7700	Non-Cash Prizes (IITA Section 709)
100.7750	Certification of Residence (IITA Section 709)
100.7800	Relative Performance (IITA Section 709)

SUBPART E: DECLARATION AND PAYMENT OF ESTIMATED TAX

Section	Penalty for Underpayments of Estimated Tax-Exception for Payments Based on Prior Year's Liability-Rule for a Taxable Year Following the Taxable Year in which the Personal Property Tax Replacement Income Tax (PPTRIT) Became Effective-Corporate Taxpayers (IITA Section 802)
100.8400	Penalty for Underpayment of Estimated Tax-Exception for Payments Based on the Prior Year's Facts-Change in the Personal Property Tax Replacement Income Tax (PPTRIT) Rate for Corporations on January 1, 1981 (IITA Section 802)

SUBPART F: STATEMENT OF PROCEDURAL RULES

Section	Introduction
100.9000	Letter Ruling Procedures
100.9005	General Income Tax Procedures (IITA Section 901)
100.9010	Taxpayer Representation and Practice Requirements
100.9020	Collection Authority (IITA Section 901)
100.9030	Notice and Demand (IITA Section 902)
100.9040	Assessment (IITA Section 903)
100.9050	Deficiencies and Overpayments (IITA Section 904)
100.9060	Application of Tax Payments Within Unitary Business Groups (IITA Section 906)
100.9070	Limitations on Notices of Deficiency (IITA Section 905)
100.9080	Further Notices of Deficiency Restricted (IITA Section 906)
100.9090	Waiver of Restrictions on Assessments (IITA Section 907)
100.9100	Procedure on Protest (IITA Section 908)
100.9110	Credits and Refunds (IITA Section 909)
100.9120	Procedure on Denial of Claim for Refund (IITA Section 910)
100.9130	Limitations on Claims for Refund (IITA Section 911)
100.9140	Recovery of Erroneous Refund (IITA Section 912)
100.9150	Access to Books and Records (IITA Section 913)
100.9200	Conduct of Investigations and Hearings (IITA Section 914)

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Section	SUBPART G: JUDICIAL REVIEW
100.9805	Administrative Review Law (IITA Section 1201)
Section	SUBPART H: DEFINITIONS AND RULES OF INTERPRETATION
100.9900	Unitary Business Group Defined (IITA Section 1501)

APPENDIX A: BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

TABLE A	Example of Unitary Business Apportionment
TABLE B	Example of Unitary Business Apportionment for Groups Which Include Members Using Three-Factor and Single-Factor Formulas

AUTHORITY: Implementing the Illinois Income Tax Act (Ill. Rev. Stat. 1987, ch. 120, pars. 1-101 et seq.) and authorized by Section 1401 of the Illinois Income Tax Act (Ill. Rev. Stat. 1987, ch. 120, par. 14-1401).

SOURCE: Filed July 14, 1971, effective July 24, 1971; amended at 2 Ill. Reg. 49 p. 84, effective November 29, 1978; amended 5 Ill. Reg. 813, effective January 7, 1981; amended at 5 Ill. Reg. 4617, effective April 14, 1981, amended at 5 Ill. Reg. 4642, effective April 14, 1981; amended at 5 Ill. Reg. 5537, effective May 7, 1981; amended at 5 Ill. Reg. 5705, effective May 20, 1981; amended at 5 Ill. Reg. 5883, effective May 20, 1981; amended at 5 Ill. Reg. 6843, effective June 16, 1981; amended at 5 Ill. Reg. 13244, effective November 13, 1981; amended at 5 Ill. Reg. 13724, effective November 30, 1981; amended at 6 Ill. Reg. 579, effective December 29, 1981; amended at 6 Ill. Reg. 9701, effective July 26, 1982; amended at 7 Ill. Reg. 399, effective December 28, 1982; codified at 8 Ill. Reg. 19574; amended at 9 Ill. Reg. 16986, effective October 21, 1985; amended at 9 Ill. Reg. 685, effective December 31, 1985; amended at 10 Ill. Reg. 7913, effective April 28, 1986; amended at 10 Ill. Reg. 19512, effective November 3, 1986; amended at 10 Ill. Reg. 21941, effective December 15, 1986; amended at 11 Ill. Reg. 831, effective December 24, 1986; amended at 11 Ill. Reg. 2450, effective January 20, 1987; amended at 11 Ill. Reg. 12410, effective July 8, 1987; amended at 11 Ill. Reg. 17782, effective October 16, 1987; amended at 12 Ill. Reg. 4865, effective February 25, 1988; amended at 12 Ill. Reg. 6748, effective March 25, 1988; amended at 12 Ill. Reg. 11766, effective July 1, 1988; amended at 12 Ill. Reg. 14307, effective August 29, 1988; amended at 13 Ill. Reg. 8917, effective May 30, 1989; amended at 13 Ill. Reg. 10952, effective June 26, 1989; amended at _____ Ill. Reg. _____, effective _____.

Section 100.9060 Deficiencies and Overpayments (IITA Section 904)

a) Examination of return.

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The Department shall examine a return as soon as practicable after it is filed to determine the correct amount of tax. If for reasons other than mathematical error (see 86 Ill. Adm. Code 100.9150 9050(a)(1)) the Department finds that the correct amount of tax exceeds that shown on the return, and the taxpayer disagrees, the Department then shall issue to the taxpayer, subject to applicable limitations in IITA Section 905 (see 86 Ill. Adm. Code 100.9070), a notice of deficiency which shall set forth the amount of tax and any penalties proposed to be assessed. (See IITA Section 904(c).) Note that, in the absence of a written protest of the notice so issued (see 86 Ill. Adm. Code 100.9100(a) 200.120(b)), the Department's final action thereunder is not an administrative decision subject to judicial review (except as to jurisdictional questions) under the provisions of the Administrative Review Act (see 86 Ill. Adm. Code 100.9950 9805). If the Department finds that the tax paid exceeds the correct amount, it shall credit or refund the overpayment as provided by IITA Section 909. The Department's findings here under shall be deemed prima facie correct and shall constitute prima facie evidence of the correctness of the amount of tax and penalties due.

b) No return filed.

If any taxpayer fails to file a return required by the Act, the Department under its authority for access to books and records and to conduct examinations, investigations, and hearings provided in IITA Sections 913 through 916, using any reasonable method in accordance with its best judgment and information, shall determine the correct amount of tax due and without any time limitation (see IITA Section 905(c)) shall issue to the taxpayer a notice of deficiency setting forth the amount of tax and penalties proposed to be assessed. ~~If the books and records made available are determined to be inadequate to clearly reflect the taxpayer's income or are not made available upon reasonable request, the term "reasonable method", for example, shall include any method or combination of methods to reconstruct the taxpayer's Illinois net income established or acceptable under federal 26 U.S.C. Section 446, e.g., methods based in whole or part on cash register receipts, specific items of income or expense, bank deposits, expenditures (including use of the rule in Cohan v. Commissioner, 39 F. 2d 540 (2d Cir.)), to determine the amounts of allowable expenses), net worth, or other acceptable or accepted method. (In this connection see also 86 Ill. Adm. Code 100.9050(a)(4).) The Department's determination shall be deemed prima facie correct and shall constitute prima facie evidence of the correctness of the amount of tax due.~~

c) Notice of deficiency.

A notice of deficiency issued under the Act shall set forth the reasons therefor and a basis sufficient to inform the taxpayer of the adjustments giving rise to the proposed assessment. In case a joint return was filed, the Department may issue a single joint notice of deficiency to the taxpayers unless it has been notified by either of the spouses that separate residences have been established in which case it shall issue the joint notice of deficiency to each spouse.

d) Assessment when no protest.

The amount of tax and penalties specified in a notice of deficiency shall be deemed assessed upon the expiration of 45 days (150 days if the taxpayer is outside the United States) from the date of issuance to the taxpayer except only for such amounts as to which the taxpayer shall have filed a protest as provided in IITA Section 908. (See 86 Ill. Adm. Code 100.9100(a) 200.120(b).)

(Source: Amended at Ill. Reg. _____, effective _____)

Section 100.9070 Limitations on Notices of Deficiency (IITA Section 905)

a) In general.

With respect to a taxable year for which a taxpayer filed a return, no deficiency shall be assessed or collected except as otherwise provided in the Act unless the Department issues a notice of deficiency not later than 3 years after the later of the last day prescribed for filing or the date the return was filed. See Section 100.970 9070(h) regarding when a return is deemed filed.

b) Omission of more than 25% of income.

If a taxpayer omits from base income an amount in excess of 25% of the amount of base income stated in the return, a notice of deficiency may be issued at any time not later than 6 years after the date of the return was filed. There shall not be taken into account as an amount omitted from base income any amount disclosed in the return or in a statement attached thereto in a manner adequate to apprise the Department of its nature.

c) No return or fraudulent return.

If no return is filed or a false and fraudulent return is filed with intent to evade the tax imposed by the Act, a notice of deficiency may be issued at any time. The issuance of a notice of deficiency under IITA Section 904(b) (see 86 Ill. Adm. Code 100.9060(b)) does not cause the running of any limitations period to begin.

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d) Failure to report federal ~~or~~-State change.

If a taxpayer fails to notify the Department of an alteration or change required by IITA Section 506(b) ~~or fails to report a change or correction which is treated as it would be if it were a deficiency for federal income tax purposes~~, a notice of deficiency may be issued at any time. The assessment proposed in any such notice of deficiency shall be limited to the amount of deficiency resulting under the Act from recomputing the taxpayer's base income ~~allocable to filings~~ for the taxable year by giving effect to the item(s) subject to the notification requirements of the preceding sentence. Inasmuch as IITA Section 506(b) requires the filing with the Department of a notification of alteration within the 120-day period therein (see 86 Ill. Adm. Code 100.9050(a)(3)(4)), a notice of deficiency may be issued at any time in absence of such notification and shall be limited in the same manner as that described in (e) below. ~~In the case of alterations and changes on income tax returns of other states, notification to the Department shall only be required for such alterations and changes occurring on or after January 17, 1988.~~

e) Report of federal ~~or~~-State change.

In any case where a taxpayer has given notification to the Department of an alteration as required by IITA Section 506(b), the Department, not later than 2 years after the date such notification is received, may issue a notice of deficiency proposing assessment limited to the amount of deficiency resulting under the Act from recomputing the taxpayer's base income ~~allocable to filings~~ for the taxable year by giving effect to the item(s) specified in the notification of alteration.

f) Extension by agreement.

Where before expiration of the time otherwise prescribed in this section for issuance of a notice of deficiency pertinent to a return or returns for one or more taxable years the Department has obtained the taxpayer's written consent to issuance after such time, then a notice of deficiency for any or all of such years may be issued at any time prior to the expiration of the extended period so agreed upon. In addition to one original on Form IL-872, Consent Fixing Period of Limitation upon Assessment of Income Tax, carbon copies (or photocopies) thereof are to be prepared (for execution as duplicate originals) in number equal to the number of taxable years involved. After proper execution and submission by the taxpayer, the consent will become effective upon acceptance and authorized execution on behalf of the Department, after which one executed duplicate copy will be mailed to the taxpayer; one of the original

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and remaining executed copies shall be attached to each of the original returns for the involved taxable years. Similarly, prior to its expiration, such extended period may be successively further extended for any or all of such taxable years by the obtaining of a further written consent. If other reason fails to execute and furnish Form IL-872 for a taxable year or years which otherwise soon would become barred, the Department's recourse originally is to issue a notice of deficiency, which is timely and within previously extended periods under IITA Section 905, setting forth adjustments and reasons therefor under IITA Section 904(c). On the other hand, where the Department has not requested Form IL-872, a taxpayer can prevent the expiration of the statutory period during which a credit or refund may be made in connection with items he specifies therein by filing a claim for refund in accord with IITA Section 909(d) within the time limitations imposed in IITA Section 911. (See 86 Ill. Adm. Code 100.9110 and 100.9130)

g) Erroneous refunds.

In any case where tax payable under the Act has been erroneously refunded, a notice of deficiency not to exceed the amount to refunded may be issued within 2 years from the date of the refund, or within 5 years therefrom if it appears that any part of the refund was induced by fraud or misrepresentation of a material fact.

h) Time return deemed filed.

For purposes of this section, a return filed before the last day prescribed by law (including any extensions of time for filing) shall be deemed to have been filed on such last day. The last day prescribed for filing returns shall include any automatic extensions of time for filing.

i) Request for prompt determination of liability.

1) In general.

In the case of a tax return required under the Act in respect of a decedent, or by his estate during the period of administration or by a corporation meeting the conditions stated in (c) below, in lieu of the 3-year limitations period in IITA Section 905(a)(1) which ends 3 years after the date the return was filed, such period if earlier shall end 18 months after the filing with the Department of three executed copies of a written request for prompt determination of liability by the executor, administrator, or other fiduciary representing the decedent's estate or by an officer authorized to act for such corporation or by the fiduciary provided if required under IITA

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Section 502(b)(4).

- 2) Purpose; evidence of authority to act.
The written request to be effective must be transmitted separately from and after the filing of the return and in a manner sufficient to put the Director of Revenue on notice of the request for prompt determination of liability. The shortened limitations period does not apply if more than 25% of base income is omitted from the return or in case of a false or fraudulent return or where not return has been filed (see 86 Ill. Adm. Code 100.9070(b) and (c)). If not previously filed with the Department, there should be furnished with the written request in respect of a decedent copies of Letters Testamentary or of Administration, properly certified true and in full force and effect within 3 months of the day submitted. In the case of a corporation, consistent with the provisions in the IITA Sections 503(a) and (b), the signature (with his title) of the president, vice-president, or treasurer shall be prima facie evidence of his authority.

- 3) Corporate intent and undertaking to dissolve.

For application of this subsection in case of a corporation, such written request must notify the Department, as of the date thereof:

- A) that the corporation contemplates dissolution at or before the expiration of the limitations period of 18 months (or less as the case may be), in which case the dissolution (for example, the proceedings required by applicable state law after the filing of an intent to dissolve) must in good faith be undertaken within and dissolution must be completed (under the State law requirements) by the termination of such period;
- B) that a dissolution has in good faith begun if such is a fact, in which case the dissolution must be completed by the termination of such limitations period; or
- C) that, if such is a fact, the dissolution is completed.

- J) Withholding tax.

In the case of returns required under Article 7 of the Act relating to amounts withheld, or required to have been withheld, as tax a notice of deficiency may be issued at any time not later than 3 years after the 15th day of the 4th month following the close of the calendar year in which such withholding was required.

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(Effective for taxable years ending after December 30, 1973.)

(Source: Amended at ____ Ill. Reg. ____, effective ____)

Section 100.9110 Credits and Refunds (IITA Section 909)

- a) In general.

The Department may credit the amount of any overpayment including interest allowed thereon against any liability for tax imposed under the IITA or any other Act administered by the Department on the person who made the overpayment, and it shall refund the balance to such person. (See Ill. Rev. Stat. 1985, ch. 127 par. 39e).

- b) Credit against estimated tax.

An individual or corporate taxpayer by filing a return for the taxable year using the appropriate form and checking the appropriate box thereon in accord with the instructions shall have the amount of any overpayment or portion thereof credited thereafter against his estimated tax liability for the next succeeding taxable year.

- c) Interest on overpayments.

- 1) General rule.

Subject to the provisions of this paragraph interest shall be allowed and paid upon any overpayment in respect of the tax imposed by the Act at a rate determined by reference to IITA Section 909(c). Where there is a dispute between a taxpayer and the Department regarding the amount of interest that is due, see 86 Ill. Adm. Code 100.9110(f)(6).

- 2) Overpayments.

The overpayment in respect of any tax imposed by the Act includes any penalties assessed under IITA Section 1002(e), and any interest assessed on tax or on penalty under IITA Section 1003. For this purpose, an overpayment is any creditable or refundable portion of taxes, penalty, or interest which was previously paid.

- 3) Date of overpayment.

- A) The date of overpayment is the date of payment of any tax which thereafter becomes or is determined to be refundable or creditable for the taxable year, except as provided in subparagraph (B). There can be no overpayment of tax

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prior to the last day prescribed for filing the return, nor until the entire tax liability for the taxable year is satisfied, nor until the return is filed for the taxable year. Therefore, the date or dates of overpayment are the date of payment of the first amount which (when added to previous payments) exceeds the tax liability (including any interest or penalties) for the taxable year and the date or dates of any subsequent payment(s) made with respect to such tax liability, which in any event cannot be earlier than the last day prescribed for filing the return for the year, nor earlier than the date the return is filed. The "last day prescribed for filing the return" for purposes of this subsection and subsection (d) is the original due date, not the extended due date, if any.

B) In the case of a federal change due to the final allowance of a carryback from a loss year ending prior to December 31, 1986, under the provisions of the federal Internal Revenue Code, the date of overpayment shall be as of the close of the taxable year in which the deduction, losses, or other item or event occurred which created the federal carryback, or the date when the return for the carryback year is filed, whichever ever is later.

C) In the case of a federal change due to the final allowance of a carryback or carryforward from a loss year ending on or after December 31, 1986, and in the case of an Illinois change due to the carryforward or carryback of an Illinois net loss, Illinois investment credit, jobs credit, replacement tax credit, or other credit (other than estimated or tentative tax credit) from a loss or credit year ending on or after December 31, 1986, the date of overpayment shall be the date the claim for refund is filed, except that if any overpayment is refunded within 3 months of the date the claim for refund is filed, determined without regard to processing by the Comptroller, no interest shall be allowed on such overpayment.

d) Period for which interest is allowable.

1) In general.

Interest shall be allowed and paid from the date of overpayment to a date determined by the Director or his delegate, which shall be not more than 30 days prior to the date of any refund or credit. However, no interest shall be allowed on the amount of tax overpaid if such amount is refunded or credited within the later of three months after the last date prescribed for

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filing the return of such tax or within three months after the return was filed, determined without regard to processing by the Comptroller.

2) Estimated tax for succeeding year.

Notwithstanding any other provision of this section, if a taxpayer elects on his return for the taxable year to have all or part of any overpayment shown on such return applied as an estimated tax payment for the succeeding taxable year, no interest shall be allowed on such portion of the overpayment so credited and such amount shall be applied as a payment on account of the estimated tax for such succeeding year or the installments thereof.

e) Examples.

86 Ill. Adm. Code 100.9110(a) through (d) may be illustrated by the following examples:

1) Example 1: T, a calendar year taxpayer, receives an extension to June 30, 1972 to file his 1971 return. On April 15, 1972, T files a tentative return pursuant to ITA Section 602(a) showing an estimated liability of \$500 which has been paid through withholding, estimated tax payments, or as a payment with the tentative return of the tax properly estimated to be due. On June 15, 1972, T files his 1971 return showing a tax liability of \$3,000 including interest for late payment and remits \$2,500 which in addition to the \$500 paid as indicated satisfies the liability shown on his return. On August 15, 1972, T files a claim for refund for \$1,500 as an overpayment of 1971 tax. The date of overpayment for the computation of any interest thereon would be June 15 which is the date when payments first exceeded his liability as now when as a result of his claim for refund, and which is the date when the return for the taxable year was first filed. See Example 2 for application for the 3 month rule.

2) Example 2: Assume the same facts as in Example (1) and that T's refund claim of \$1,500 was allowed and paid on September 1. No interest would be allowed because the refund was made within 3 months of June 15, the date the final return for the taxable year was filed. If the refund was made on October 1, interest would be allowed from June 15 to a date which would be not more than 30 days prior to October 1.

3) Example 3: W, a calendar year taxpayer, files his return on March 7 and claims a refund as a result of excess withholding.

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The refund is made July 1. No interest would be allowed for the refund was made within 3 months after April 15, which is the later of the last day prescribed for filing the return or the date the return was filed. If with the same facts the refund is made July 28, interest would be allowed from April 15 (the date of overpayment).

- 4) Example 4: X, a calendar year corporation, sustains a federal net operating loss in 1973. X files a federal claim for refund, carrying the loss back to 1970 and receives a refund of federal taxes for 1970 based on the net operating loss carry back. (Refer to 86 Ill. Adm. Code 100.9110(f)(4) respecting a federal application for tentative carryback adjustment.) X then files Form IL-1120X claiming an overpayment of 1970 Illinois tax as a result of a federal change in its reported taxable income for 1970. The date of overpayment would be December 31, 1973, the close of the taxable year in which the federal net operating loss occurred (provided an original 1970 IL-1120 had been filed by this date).

f) Refund claim.

- 1) In general.

A claim for refund of an overpayment of income tax may be filed with the Department only if a return for the taxable year for which the refund is claimed has been filed. Although a timely return may have the effect of a claim for refund of tax over payment (due to excess withholding or payment under Articles 7 or 8 of the Act) it does not constitute a claim for refund under IITA Section 909(d) and (e) of the Act calling for consideration ~~thereof~~ ~~and~~ ~~denial~~ ~~(either deemed or by notice--see 100.9010(f)(1))~~ ~~and~~ ~~denial~~ ~~(either deemed or by notice--see 86 Ill. Adm. Code 100.9110(g)(1)).~~ A separate claim shall be filed for each taxable year for which an income tax overpayment was made. Every claim for refund shall be in writing, shall be on the appropriate form prescribed by the Department, and (using attachments if necessary) shall state the specific grounds upon which it is founded.

- 2) Evidence of claim filing.

In preparing and filing a claim on either an amended return before the return due date, or after such date has passed on Form IL-843, Form IL-1040X, or Form IL-1120X, a taxpayer may attach two photocopies of page 1 of the original executed claim being filed as a pro forma claim receipt form identifying the claim with a written request that one photocopy be returned to

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the claimant as a receipt. Upon the Department's receiving the claim and the two photocopies of page 1 thereof if attached, the Director's designee shall place there on the Department's Date Received Stamp and sign in ink his initials therein, after which one photocopy shall be removed and mailed to the claimant for his use as a receipt. In absence of a photocopy of the claim form (so stamped and initialed) being attached to the original claim or being produced by the claimant, copies of the Department's records certified true by the Director or his designee shall be deemed prima facie correct to show whether or not a claim was filed and if so the date upon which it was received by the Department. Furthermore, the Department's records as to the date that the claim was date received in the Department's mail room shall be prima facie evidence that the postmark date on the claim was ten days prior to that date.

- 3) Amended return as claim; limited use.

In an instance where a return for the taxable year is filed early, the latest received by the Department of any further return or amended return filed by the taxpayer on or before the last day prescribed for timely filing shall constitute and be accepted as his return for the taxable year. Therefore, if a return showing a tax liability for the taxable year has been filed with the Department and the tax paid and the due date prescribed for filing that return has not passed, any claim for refund filed prior to that date shall be made by the filing of a further return marked "CORRECTED", showing the amount of the tax overpayment to be refundable. Form IL-1040X and Form IL-1120X shall be used for this purpose by individuals and corporations.

- 4) Claim form; federal change.

If, on the other hand, the due date for filing a return has passed and under the Act an overpayment based on a federal change has arisen, in addition to meeting the requirements of IITA Section 506 a claim for refund based on such change should be made by the filing (following the instructions thereon) of a notice of such change on Illinois Form IL-843, Form IL-1040X, or Form IL-1120X, as appropriate. To meet the requirements of IITA Section 909(d) for stating specific grounds, there should be within the Form or on an attachment an explanation in detail sufficient to show the nature of the items of change or alteration. If helpful or otherwise appropriate to show the grounds and to compute the amount claimed as refundable, another return marked "AMENDED" may be attached or filed in connection with the Form IL-843. Further, where a claim for refund is filed

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based on a federal change giving rise to an overpayment, documentation in form of the original federal documents or correspondence furnished the taxpayer or other satisfactory proof in connection with the change (or true and correct fully legible photocopies thereof) shall be attached evidencing that such federal change, represents an agreed to or final federal Internal Revenue Service (or court imposed) acceptance, recomputation, redetermination, change, tentative carryback adjustment or settlement; and it shall be stated or shown that no contest thereof is pending. In this connection, the payment received as the result of the filing of an application for a tentative carryback adjustment (on Form 1045 or Form 1139) pursuant to 26 U.S.C. 6411 is a change reportable under IITA Section 506. A claim for refund of an overpayment of Illinois income tax occasioned by the payment of a tentative carryback adjustment may be filed on Form IL-1040X and Form IL-1120X. A premature or incomplete claim on Form IL-843, Form IL-1040X, or Form IL-1120X shall not constitute a claim for refund within the meaning of IITA Section 909(d), nor the purposes of commencing the 6-month period in paragraph g) below. Upon any claim being received and identified as premature, incomplete, or otherwise defective under the Act, the Department as soon as practicable shall notify the taxpayer thereof in writing to enable if possible the timely submission of a mature and perfected claim.

5)

Claim form; no federal change.

If a return showing tax due for the taxable year has been filed and the tax paid and an overpayment based on a purely Illinois change has arisen and not based to any extent on a change in federal income tax liability, any claim for refund should be made by the filing (following the instructions thereon) of Illinois Form IL-843, Form IL-1040X (individuals), or Form IL-1120X (corporations), as appropriate, using if necessary an attachment to set forth in detail each specific ground for refund, and if appropriate another return marked "AMENDED" may be attached to or filed in connection with the Form IL-843. Pertaining to purely Illinois changes, Forms IL-843, IL-1040X and IL-1120X are designed for use not only to claim a refund of tax overpayment but also to report an increase in the amount of previously reported or determined income tax liability for the taxable year.

6)

Informal claim not permitted; disputes regarding the amount of interest due.

In all cases where the original return due date has passed,

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claims for refund shall be filed using the following forms, as appropriate: Form IL-843, Form IL-1040X and Form IL-1120X. These forms may also be used by taxpayers to claim additional interest where there is a dispute regarding the amount of interest that is due from the Department relative to a refund. Such claims for additional interest must be filed either within the 45-day protest period for claim denials (see IITA Section 910) or within the limitations period for filing claims for refund for the taxable year for which the interest is due (see IITA Section 911). See 86 Ill. Adm. Code 100.9120 200.120 for procedure on protest. An "informal claim", such as a letter from the taxpayer, is insufficient for the purpose of establishing or extending any of the limitations in IITA Section 905 911 or in paragraphs (g) and (h) of this section.

g) Notices of refund or denial.

1) In general.

The Department shall examine a claim for refund, in connection as appropriate with the return for the taxable year to which it relates, as soon as practicable after it is filed to determine the correct amount of tax and the amount of any refundable overpayment to which the claimant-taxpayer may be entitled. If for the taxable year involved the Department finds the claimant entitled to a refund in any amount, it shall issue an appropriate notice of refund, abatement, or credit (see paragraph (b)). If the Department has failed to approve or deny the claim before the expiration of 6 months from the date the claim was filed, the claimant may nevertheless thereafter file with the Department a written protest addressed in accordance with the instructions in the applicable claim form (IL-1040-X, IL-1120-X, or IL-843). If a protest is filed, the Department shall consider the claim and, if the taxpayer has so requested, shall grant the taxpayer or the taxpayer's authorized representative a hearing within 6 months after the date such request is filed.

2)

Notice of denial; notice of deficiency as denial.

However, if the Department finds that the claim for refund is not allowable and proposes to issue a notice of denial or if taking into account the claim nevertheless finds adjustments which are a basis for proposing an increase in the amount of tax liability over that shown on the return, or decreasing it by an amount less than that claimed as refundable, the Department shall issue a notice of deficiency under IITA Section 904(c) (see 86 Ill. Adm. Code 100.9060(a)) or it shall

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issue a notice of denial or partial denial of the claim. In the event that a notice of deficiency is issued which indicates that the claim for refund was considered, such notice (of deficiency) shall constitute (concurrently) a notice of denial of the claim. Note that, in the absence of a written protest (of the notice of deficiency or denial) so issued (see 86 Ill. Adm. Code 100.910(a) 200.120(b)), The Department's final action thereunder is not an administrative decision subject to judicial review (except as to jurisdictional questions) under the provisions of the Administrative Review Act (see 86 Ill. Adm. Code 100.9850 9805).

h) Effect of denial.

Denial of a claim becomes final 45 days thereafter (irrespective of whether the claimant is outside the United States) except to the extent (in whole or part) that the claimant in the meantime shall have filed a protest, as provided by IITA Section 910 (see 86 Ill. Adm. Code 100.200 200.120(b)), against the denial of amounts claimed as refundable. In the absence of a written protest of the denial of the claim for refund, the Department's final action thereunder is not an administrative decision subject to judicial review (except as to jurisdictional questions) under the provisions of the Code of Civil Procedure (see 86 Ill. Adm. Code 100.9850 9805).

i) Time for protest.

If after a claim for refund is denied by issuance of a notice of denial (see 86 Ill. Adm. Code 100.910(g)(2)) a written protest against such denial is filed by the taxpayer within 45 days thereafter (irrespective of whether the taxpayer is outside the United States), the Department shall reconsider the denial and, if requested, shall grant the taxpayer or his authorized representative a hearing, as provided for in IITA Section 914. See 86 Ill. Adm. Code 200 for protest and hearing procedures.

(Source: Amended at ___ Ill. Reg. ___, effective _____)

Section 100.9130 Limitations on Claims for Refund (IITA Section 911)

a) In general.

With respect to a taxable year for which a claimant taxpayer has filed a return, or tax was paid, no claim shall be filed and no credit or refund shall be allowed or made, except as otherwise provided in the Act, if the claimant files a claim for refund after the later to occur of the expiration of the 3-year period after the date the return was filed (in the case of returns under Article 7 for

amounts withheld as tax, not later than 3 years after the 15th day of the 4th month following the close of the calendar year in which such withholding was made effective for taxable years ending after December 30, 1973), or one year after the date the tax was paid.

b) Federal or State changes.

Irrespective of whether notification of an alteration required by IITA Section 506(b) is given by a claimant-taxpayer, a claim for refund may be filed not later than two years after the date such notification was due. The recoverable amount of a claim filed hereunder is limited to any overpayment resulting from a change in the taxpayer's base income ~~attributable to~~ reflecting the items of adjustment in the alteration required to be reported. IITA Section 506(b) requires that a notification of the alteration, showing the taxpayer's address and signed by him or his representative, be filed with the Department not later than 120 days (120 days for federal or State changes occurring on or after July 1, 1986) after such alteration has been agreed to or finally determined for federal or State income tax purposes or, if earlier, not later than 120 days (120 days for federal changes occurring on or after July 1, 1986) after any federal income tax deficiency or refund, tentative carryback adjustment, or abatement or credit resulting therefrom, has been assessed or paid. However, in the case of tentative carryback adjustments paid pursuant to IRC Section 6411 before January 1, 1974, a claim for refund of an overpayment may be filed any time prior to January 1, 1976. ~~In the case of an original filing of an income tax return of another state, any Illinois claim resulting therefrom must be filed within the limitations period provided by IITA Section 911(a), or pursuant to an extension provided by IITA Section 911(c).~~

c) Extension by agreement.

Where before expiration of the time otherwise prescribed in this section for the filing of a claim for refund, pertinent to a particular taxable year (or years) for which there has been filed a return (or returns), the Department has obtained (on Form IL-872) the claimant-taxpayer's written consent to the filing after such time, then a claim may be filed at any time prior to the expiration of the period agreed upon. Similarly, prior to its expiration such extended period may be successively further extended for any or all such taxable years by the obtaining of a further written consent (see 86 Ill. Adm. Code 100.9070(f)). ~~The Act does not provide (as does 26 U.S.C. 6511(e)(3)(B)) that a claim shall be timely if filed within 6 months after the expiration of the period in which an assessment pursuant to an extension agreement or extension thereof may be made.~~

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d) Limit on amount of credit or refund.

1) Limit where claim filed within 3-year period.

With respect to a taxable year for which a claimant-taxpayer has filed a return and during the 3-year period in subsection (a) above has filed a claim for refund, the amount of the credit or refund shall not exceed the portion of the tax paid within the period immediately preceding the filing of the claim, equal to 3 years plus the period of any extension of time for filing the return. For the purposes of this subsection and IITA Section 911(d)(1), any amount paid on account of withheld tax or estimated tax (see Articles 7 and 8 of the Illinois Income Tax Act) or any other payment paid as tax or in respect of tax imposed by the Act (for example tax paid with a return filed before the due date) shall be deemed to have been paid not earlier than the last day prescribed for filing the return (irrespective of extensions) for the taxable year for which such payments are applicable. If the claim is filed after expiration of the 3-year period in subsection (a) but prior to the expiration of an agreed to extended period for assessment of the tax, the recoverable amount is limited to that which could have been allowed if the claim were filed at the time of the execution of the extension agreement plus the tax paid thereafter up to the time the claim was (timely) filed.

2) Limit where claim not filed within 3-year period.

Irrespective of whether a return was filed, if the claim was not filed within the 3-year period in subsection (a) hereof or within an agreed-to extended period for assessment of tax, the amount of credit or refund shall not exceed the portion of the tax paid during the one year immediately preceding the filing of the claim.

e) Time return deemed filed.

For purposes of this section, a tax return filed before or after the last day prescribed by law for the filing of such return ~~determined without regard to any extension thereof~~ (including any extensions thereof) shall be deemed to have been filed on such last day.

f) Special Period of Limitation with Respect to Net Loss Carrybacks from loss years ending on or after December 31, 1986.

The 3-year period of limitation prescribed in subsection a) does not apply if the claim for refund relates to an overpayment attributable to a net loss carryback provided by IITA Section 207. Instead, the

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period of limitation shall be that period which ends 3 years after the time for filing the return (including extensions thereof) for the taxable year in which the net loss occurs, or the period prescribed in subsection c) in respect of such taxable year, whichever expires later. The amount of the refund may exceed the portion of the tax paid within the period provided in subsection d) to the extent of the amount of the overpayment attributable to the net loss carryback.

(Source: Amended at ___ Ill. Reg. ___, effective ___)

Section 100.9140 Recovery of Erroneous Refund (IITA Section 912)

An erroneous refund shall be considered a deficiency of tax on the date made, and shall be deemed assessed and shall be collected as provided in IITA Sections 903 and 904 (see 86 Ill. Adm. Code 100.9050, 100.9060 and 100.9070(g)). IITA Section 1003(f) provides that any portion of the tax imposed by the Act or any interest or penalty which has been erroneously refunded and which is recoverable by the Department shall bear interest at the rate of 6% per annum (or at such adjusted rate as is established under Section 6621(b) of the Internal Revenue Code) from the date of payment of such refund.

(Source: Amended at ___ Ill. Reg. ___, effective ___)

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- 1) Heading of Part: Pull Tabs and Jar Games Act
- 2) Code Citation: 86 Ill. Adm. Code 432
- 3) Section Numbers:
432.110
432.120
432.160
- Proposed Action:
Amendment
Amendment
Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 120, pars. 1051 et seq.
- 5) A Complete Description of the Subjects and Issues Involved: Implements PA 86-289 which permits employees of a licensee to sell pull tabs and PA 86-703 which provides for staggered expiration dates for regular licenses.
- 6) Will this proposed rule replace an emergency rule currently in effect:
No
- 7) Does this rulemaking contain an automatic repeal date? Yes ☐ No ☒
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part: No
- 10) Statement of Statewide Policy Objectives: No effect on local governmental units
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rule may submit them in writing by no later than 45 days after publication of this notice to:

Mr. R. Dale Yung
Administrator
Illinois Department of Revenue
Legal Services Bureau
101 West Jefferson
Springfield, Illinois 62708
Phone: (217) 782-6336

- 12) Initial Regulatory Flexibility Analysis:

A Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: November 28, 1989

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- B) Types of small businesses affected: Those organizations holding licenses
- C) Reporting, bookkeeping or other procedures required for compliance: None
- D) Types of professional skills necessary for compliance: None

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUEPART 432
PULL TABS AND JAR GAMES ACT

Section	Definitions
432.100	Regular Licenses
432.110	Limited Licenses
432.120	Manufacturer's Licenses
432.130	Supplier's Licenses
432.140	Ineligibility for License
432.150	Restrictions and Limitations on the Sale of Pull Tabs
432.160	Imposition of Tax; Returns
432.170	Records; Audits
432.180	Denial, Suspension, or Revocation of Licenses; Criminal Sanctions
432.190	State - Local Relations
432.200	

AUTHORITY: Implementing and authorized by the Illinois Pull Tabs and Jar Games Act (Ill. Rev. Stat. 1987, ch. 120, pars. 1051 et seq.)

SOURCE: Emergency Rules adopted at 12 Ill. Reg. 11297, effective June 30, 1988, for a maximum of 150 days, emergency expired November 27, 1988; adopted at 13 Ill. Reg. 191, effective January 1, 1989; amended at ____ Ill. Reg. ____, effective ____.

NOTE: Capitalization denotes statutory language.

Section 432.110 Regular Licenses

- a) Eligibility. To be eligible for a regular license an organization must have been organized in Illinois. It must have been in existence continuously during the entire five year period preceding application, and during that period must have had a bona fide membership engaged in carrying out its stated objectives on a regular basis. THE FIVE YEAR REQUIREMENT SHALL BE REDUCED TO TWO YEARS, AS APPLIED TO A LOCAL ORGANIZATION WHICH IS AFFILIATED WITH AND CHARTERED BY A NATIONAL ORGANIZATION WHICH MEETS THE FIVE YEAR REQUIREMENT (Section 2 of the Act). To be "chartered" by a national organization, an Illinois organization must have a document issued by the national organization formally authorizing the establishment of the Illinois organization. The organization must operate without profit to its members, and must fall within one of the following categories:

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- 1) CHARITABLE ORGANIZATION: AN ORGANIZATION ORGANIZED AND OPERATED TO BENEFIT AN INDEFINITE NUMBER OF THE PUBLIC (Section 1.1 of the Act);
- 2) EDUCATIONAL ORGANIZATION: AN ORGANIZATION ORGANIZED AND OPERATED TO PROVIDE SYSTEMATIC INSTRUCTION IN USEFUL BRANCHES OF LEARNING BY METHODS COMMON TO SCHOOLS AND INSTITUTIONS OF LEARNING WHICH COMPARE FAVORABLY IN THEIR SCOPE AND INTENSITY WITH THE COURSE OF STUDY PRESENTED IN TAX-SUPPORTED SCHOOLS (Section 1.1 of the Act). Public schools and school districts are not eligible for regular licenses. Organizations affiliated with public schools, such as booster clubs, may be eligible if they fall within any of the other categories listed in this Section;
- 3) RELIGIOUS ORGANIZATION: ANY CHURCH, CONGREGATION, SOCIETY OR ORGANIZATION FOUNDED FOR THE PURPOSE OF RELIGIOUS WORSHIP (Section 1.1 of the Act);
- 4) FRATERNAL ORGANIZATION: AN ORGANIZATION OF PERSONS, INCLUDING BUT NOT LIMITED TO ETHNIC ORGANIZATIONS, HAVING A COMMON INTEREST, ORGANIZED AND OPERATED EXCLUSIVELY TO PROMOTE THE WELFARE OF ITS MEMBERS AND TO BENEFIT THE GENERAL PUBLIC ON A CONTINUING AND CONSISTENT BASIS (Section 1.1 of the Act);
- 5) VETERANS' ORGANIZATION: AN ORGANIZATION COMPRISED OF MEMBERS OF WHICH SUBSTANTIALLY ALL ARE INDIVIDUALS WHO ARE VETERANS OR SPOUSES, WIDOWS, OR WIDOWERS OF VETERANS, THE PRIMARY PURPOSE OF WHICH IS TO PROMOTE THE WELFARE OF ITS MEMBERS AND TO PROVIDE ASSISTANCE TO THE GENERAL PUBLIC IN SUCH A WAY AS TO CONFER A PUBLIC BENEFIT (Section 1.1 of the Act);
- 6) LABOR ORGANIZATION: AN ORGANIZATION COMPOSED OF LABOR UNIONS OR WORKERS ORGANIZED WITH THE OBJECTIVE OF BETTERMENT OF THE CONDITIONS OF THOSE ENGAGED IN SUCH PURSUIT AND THE DEVELOPMENT OF A HIGHER DEGREE OF EFFICIENCY IN THEIR RESPECTIVE OCCUPATIONS (Section 1.1 of the Act);
- 7) YOUTH ATHLETIC ORGANIZATION: AN ORGANIZATION HAVING AS ITS EXCLUSIVE PURPOSE THE PROMOTION AND PROVISION OF ATHLETIC ACTIVITIES FOR YOUTH AGED 18 AND UNDER (Section 1.1 of the Act). Marching bands and drum and bugle corps are considered to promote and provide athletic activities. A youth athletic organization otherwise eligible for a regular license does not lose its eligibility because youths served by the organization become nineteen while participating in an athletic activity with a season of definite duration;

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- 8) SENIOR CITIZENS ORGANIZATION: AN ORGANIZATION OR ASSOCIATION COMPRISED OF MEMBERS OF WHICH SUBSTANTIALLY ALL ARE INDIVIDUALS WHO ARE 55 YEARS OF AGE OR OLDER, OR WHO ARE NEARING THE AGE OF 55 AND FOR WHOM OPPORTUNITIES FOR EMPLOYMENT AND PARTICIPATION IN COMMUNITY LIFE ARE UNAVAILABLE OR SEVERELY LIMITED AND WHO, AS A RESULT THEREOF, HAVE DIFFICULTY IN MAINTAINING SELF-SUFFICIENCY AND CONTRIBUTING TO THE LIFE OF THE COMMUNITY. THE PRIMARY PURPOSE OF THE ORGANIZATION MUST BE THE PROMOTION OF THE WELFARE OF ITS MEMBERS (Section 1.1 of the Act; Section 3.05 of the Illinois Act on the Aging, (Ill. Rev. Stat. 1987, ch. 23, par. 6103.05)).

- b) Applications. Application for a regular license must be made on the form prescribed by the Department, and must be accompanied by a license fee of \$500 in the form of a check or money order payable to the Illinois Department of Revenue, and by the following documents and information:

- 1) Documentary evidence sufficient to show that the organization meets the eligibility requirements of subsection (a) above. Such documentation should include, when applicable, a copy of the organization's bylaws, constitution, charter, minutes of past meetings, promotional materials, and Articles of Incorporation;
- 2) The names of the members of the organization who will participate in the sale of pull tabs. The presiding officer of the organization must certify that the persons listed are eligible to sell pull tabs, and have been members of the organization for at least 30 days before participating in the organization's sale of pull tabs;
- 3) A copy of the letter or any other document issued to the organization by the Attorney General showing that the organization is in compliance with the registration requirements of "AN ACT to regulate solicitation and collection of funds for charitable purposes, providing for violations thereof, and making an appropriation therefor" (Ill. Rev. Stat. 1987, ch. 23, par. 5101 et seq.);
- 4) For license renewal applications, a report, on a form provided by the Department, accounting for the disposition of the gross proceeds derived from the sale of pull tabs during the period covered by the report (see Section 432.180);
- 5) Any other information requested by the Department which is necessary to establish the eligibility of the organization for a regular license.

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- 6) If, during a license year, any of the information provided to the Department by the licensee changes, the licensee must notify the Department within 20 days, in writing, of any such changes.

- 7) The application form shall include the following information:

- A) Name of organization
- B) Address
- C) Mailing Address
- D) Name and address of person responsible for filing tax returns
- E) Type of organization
- F) Address(es) of place where pull tabs are to be sold
- G) Does applicant own or lease premises?
- H) In what municipality will the applicant be making the most pull tab sales in terms of gross receipts? If you are outside any municipality, in what county?
- I) Tax registration or license number (if registered with the Illinois Department of Revenue under any Illinois tax act)
- J) Number of members in good standing
- K) How long has organization had a bona-fide membership engaged in carrying out its ~~object~~ objectives?
- L) Place and date of incorporation of organization
- M) If not a corporation, state how and when organized
- N) Estimated amount of pull tabs and jar games tax per calendar quarter
- O) Are you registered with the Attorney General's Office pursuant to the Illinois Solicitation Act?
- P) For president of organization: name, address, home and business phone numbers, social security number, date of birth and race

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- Q) For secretary of organization: name, address, home and business phone numbers, social security number, date of birth and race
- R) For person in charge of and primarily responsible for selling of the pull tabs: name, address, home and business phone numbers, social security number, date of birth and race
- S) Are criteria for membership in the organization included with the application?
- T) Is documentary evidence verifying the claimed status of the applicant as a bona-fide non-profit religious, charitable, labor, fraternal, educational, veteran's, youth athletic, or senior citizen's organization included with the application?
- U) Is the documentary evidence verifying that the location(s) where you will be selling pull tabs is owned or occupied by your organization and used for your general activities or is the location where you conduct bingo included with the application?
- V) Is a description of the activities and programs which qualify for support from pull tabs proceeds included with the application?
- W) Is a list of your organization's members who will be selling pull tabs included with the application?
- X) Is a completed Form PT-12, Expenditures of Funds Earned Through Pull Tabs and Jar Games, for the past license year included with the application?
- Y) Signatures of officers and person primarily responsible for the sale of the pull tabs

c) Licenses. Within 30 days after the receipt of a completed application, the Department will approve or deny the application. If the Department determines that an organization meets all of the eligibility requirements of this Section, and is not ineligible for any of the reasons stated in Section 432.150, the Department will issue a regular license to the organization. A regular license authorizes the licensee to sell pull tabs only at the locations stated on the license. Such locations must be owned or occupied by the regular licensee and used by its members for general activities, or must be used by the regular licensee for conducting bingo (see

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Section 432.160(b)).

- 1) No organization may begin to sell pull tabs without having a valid license in its possession.
- 2) Except as provided below, regular licenses expire at midnight on the June 30 following the date the license is issued. The Department cannot prorate the \$500 license fee when a license is issued for less than a full year.
- 3) It is the Department's policy to mail a renewal application to each regular licensee at least 30 days prior to the expiration of the license. However, failure to receive a renewal application does not excuse an organization of its obligation to submit a renewal application prior to the expiration of its current license. If the Department receives a renewal application not more than seven days after the expiration of a license, the organization may continue to sell pull tabs until the Department takes action on the renewal application. If the Department receives a renewal application more than seven days after the expiration of a license, the organization must immediately discontinue the sale of pull tabs until it receives a renewed license from the Department.

4) Beginning with applicants whose licenses expire on June 30, 1990, and for which renewal applications are submitted, the following license expiration dates and fees shall apply:

- A) Licenses P1 through P200 will expire December 31, 1990.
The license fee is \$250;
- B) Licenses P201 through P400 will expire March 31, 1991.
The license fee is \$375;
- C) Licenses P401 through P600 will expire June 30, 1991. The license fee is \$500; and
- D) Licenses P601 and higher will expire September 30, 1991.
The license fee is \$625.

FOLLOWING EXPIRATION UNDER THIS SCHEDULE, EACH RENEWED LICENSE SHALL BE IN EFFECT FOR ONE YEAR FROM ITS DATE OF ISSUANCE UNLESS SUSPENDED OR REVOKED BY DEPARTMENT ACTION BEFORE THAT DATE. AFTER JUNE 30, 1990, EVERY NEW LICENSE SHALL EXPIRE ONE YEAR FROM THE DATE OF ISSUANCE UNLESS SUSPENDED OR REVOKED.(Section 2 of the Act).

d) Special permits. Once during each license year a regular licensee

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may obtain a special permit to sell pull tabs at a different, additional, location for a period of up to ten consecutive days. To apply for a special permit a regular licensee must submit a written request to the Illinois Department of Revenue, Bingo and Charitable Games Unit, P.O. Box 19019, Springfield, Illinois 62794-9019. The request must be received at least fourteen days before the first day of the scheduled pull tab event, and must include a statement of the specific dates and exact location for which the permit is requested, and the name and address of the person or organization which owns or controls the site at which pull tabs will be sold.

(Source: Amended at ___ Ill. Reg. ___, effective ___)

Section 432.120 Limited Licenses

- a) Eligibility. Any organization which would be eligible for a regular license but which does not hold one is eligible for a special permit to sell pull tabs. A special permit issued pursuant to this Section shall be known as a "limited license", solely for the purpose of differentiating these special permits from special permits issued pursuant to Section 432.110(d).
- b) Applications. Application for a limited license must be made on the form prescribed by the Department, and must be accompanied by a license fee of \$50 in the form of a check or money order payable to the Illinois Department of Revenue. Applications must be accompanied by the same documents and information which are required to accompany applications for regular licenses (see Section 432.110(b)).
- c) Licenses. Within 30 days after the receipt of a completed application, the Department will approve or deny the application. If the Department determines that an organization meets all of the eligibility requirements of this Section, and is not ineligible for any of the reasons stated in Section 432.150, the Department will issue a limited license to the organization.

- 1) A limited license authorizes the licensee to sell pull tabs ~~for a specified period of up to ten consecutive days at a single location at no more than 2 indoor or outdoor festivals in a year for a maximum of 5 days on each occasion. Only one NO more than 2 limited license licenses may be issued to any organization during each one-year period from July 1 to June 30 in any year.~~

- 2) If the Department receives a completed application less than 30 days before the first date on which the applicant wants to sell pull tabs, the Department will make every reasonable effort to

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act on the application prior to that date. However, no organization may begin to sell pull tabs without having a valid limited license in its possession.

- d) All provisions of this Part governing the sale of pull tabs by regular licensees also apply to limited licensees.

(Source: Amended at ___ Ill. Reg. ___, effective ___)

Section 432.160 Restrictions and Limitations on the Sale of Pull Tabs

- a) Licenses. No person or organization may sell pull tabs or advertise pull tabs for sale in Illinois without having a valid license to do so.

- 1) Licensed manufacturers may sell pull tabs only to licensed suppliers, licensed suppliers may sell pull tabs only to regular and limited licensees, and regular and limited licensees may sell pull tabs only to the public. A manufacturer or supplier may rely on its customers' representations that they are properly licensed (under the license numbers provided by the customers) unless the manufacturer or supplier has received notification from the Department that a particular person or organization does not have a valid license.

- 2) Regular and limited licensees may obtain pull tabs only from licensed suppliers. It is the responsibility of regular and limited licensees to ensure that all pull tabs which they obtain are marked with the name of the supplier on each pull tab. Regular and limited licensees are requested to notify the Department whenever they receive any printed material advertising the availability of pull tabs if no supplier's license number appears on the material. A supplier's license number will be in the form of the letters "PS" followed by a hyphen and one or more numerals. The notification to the Department, which may consist entirely of a copy of the printed material, should be addressed to the Illinois Department of Revenue, Bingo and Charitable Games Unit, P.O. Box 19019, Springfield, Illinois 62794-9019.

- b) Locations. A regular or limited licensee may sell pull tabs only at the locations stated on its license. Pull tabs may be sold only at the following locations:

- 1) ON PREMISES OWNED OR OCCUPIED BY A LICENSED ORGANIZATION AND USED BY ITS MEMBERS FOR GENERAL ACTIVITIES (Section 4(6) of the Act). "Premises" means a distinct parcel of land and the buildings thereon. Premises are "occupied" by an organization

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when the organization is using the premises for its general activities in accordance with a contractual right to possess the premises on a regular basis;

- 2) ON PREMISES OWNED OR RENTED FOR CONDUCTING BINGO (Section 4(6) of the Act). If a licensee rents premises for the purpose of conducting bingo, and does not regularly conduct other activities at other times on such premises, then pull tabs may be sold on such premises only during the licensee's bingo session, which is defined as "the time during which bingo is conducted, including the time during which bingo card are sold" (86 Ill. Adm. Code §430.100);
- 3) For regular licensees only, at other premises as specified in a special permit obtained pursuant to Section 2.110(d).
- 4) A license issued by the Department does not grant an unfettered right to sell pull tabs at a specified location. If premises are owned or controlled by a person or organization other than the licensee, that person or organization may prohibit the licensee from selling pull tabs on the premises. EXAMPLE: The American Legion Post conducts bingo at the Moose Lodge. Although the Post may legally obtain a license to sell pull tabs at the Lodge, the Lodge is not required to allow the Post to sell pull tabs on the Lodge's premises - this would be a matter to be determined by and between the Post and the Lodge.
- 5) A regular or limited license or a special permit shall be prominently displayed in the area where pull tabs are sold. If pull tabs are sold in more than one area on the licensed premises, the license shall be prominently displayed in the area where the greatest volume of sales normally occurs. If pull tabs are sold at multiple premises, the license shall be prominently displayed at the premises where the greatest volume of sales normally occurs, and a sign stating where the license is located shall be prominently displayed on all other premises. "prominently displayed" means that a license or sign is clearly visible and legible to the naked eye. Under no circumstances may any licensee duplicate or reproduce any license issued under the Act.
- c) NO PERSON UNDER THE AGE OF 18 YEARS SHALL PLAY OR PARTICIPATE IN THE SALE OF PULL TABS. A PERSON UNDER THE AGE OF 18 YEARS MAY BE WITHIN THE AREA WHERE PULL TABS ARE SOLD ONLY WHEN ACCOMPANIED BY HIS OR HER PARENT OR GUARDIAN (Section 4(5) of the Act).
- d) Only a bona fide member or employee of the regular or limited licensee may participate in the sale of pull tabs. A "bona fide"

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member is one who has been a member of the licensee for at least 30 days prior to participating in the sale of pull tabs. A "bona fide" employee is one whose principal duties are other than managing or operating pull tabs or jar games. No person may receive any remuneration or compensation for participating in the sale of pull tabs. ~~An employee who is also a member of a licensee may sell pull tabs, provided that he or she is not required to sell pull tabs as a condition of his or her employment.~~

- e) Regular and limited licensees must sell pull tabs for the price printed on the tickets, but in no case may pull tabs be sold for more than one dollar each. Pull tabs must be sold for cash - no credit may be extended to purchasers.
- f) No single pull tab prize may exceed \$250 in cash or merchandise (valued at retail). THE AGGREGATE VALUE OF ALL PRIZES OR MERCHANDISE AWARDED IN ANY SINGLE DAY SHALL NOT EXCEED \$2,250, EXCEPT THAT IN MADISON, MONROE, AND ST. CLAIR COUNTIES THE VALUE OF ALL PRIZES AWARDED MAY NOT EXCEED \$3,250 IN A SINGLE DAY (Section 4(4) of the Act). All winning pull tabs which are redeemed for prizes each day shall be retained by the licensee for a period of 60 days, and shall be segregated from winning pull tabs which are redeemed on other days. Winning pull tabs should be defaced so that they may not be used or redeemed a second time, but defacement must leave the prize amount printed on the ticket legible.
- g) All advertising of pull tabs for sale in Illinois by any licensee under this Act must include the license number and name of the licensee.
- h) THE ENTIRE NET PROCEEDS FROM THE SALE OF PULL TABS MUST BE EXCLUSIVELY DEVOTED TO THE LAWFUL PURPOSES OF THE LICENSEE (Section 4(1) of the Act). The net proceeds (gross proceeds less cash returned to winners) must not be commingled with any other funds belonging to the licensee (except interest paid on the deposited proceeds), and must be deposited into the pull tabs checking account established pursuant to Section 432.180(a).
- i) NO REGULAR OR LIMITED LICENSEE, WHILE PULL TABS ARE BEING SOLD, SHALL KNOWINGLY PERMIT ENTRY TO ANY PART OF THE LICENSED PREMISES TO ANY PERSON WHO HAS BEEN CONVICTED OF A FELONY OR A VIOLATION OF ARTICLE 28 (GAMBLING) OF THE CRIMINAL CODE OF 1961 (Section 6 of the Act).

(Source: Amended at Ill. Reg. _____, effective _____)

TREASURER
NOTICE OF PROPOSED RULESTREASURER
NOTICE OF PROPOSED RULES1) The Heading of the Part: Classification and Pay2) Code Citation: 80 Ill. Admin. Code 6103) Section Numbers: Proposed Action:

610.110	New Section
610.120	New Section
610.130	New Section
610.140	New Section
610.150	New Section
610.210	New Section
610.220	New Section
610.230	New Section

4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 127, pars. 63(b)-108(a)5) A complete description of the Subjects and Issues Involved: This rulemaking establishes the guidelines for the operation of a merit-based employment program of Classification and Pay.6) Will this proposed rule replace an emergency rule currently in effect? No7) Does the rule making contain an automatic repeal date? No8) Does this proposed rule contain incorporations by reference? No9) Are there any other proposed amendments pending this Part? No10) Statement of Statewide Policy Objectives: No local government unit will be required to increase expenditures as a result of this rulemaking.11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested person may submit written comments concerning this rulemaking. All comments must be submitted in writing to:

William Logan
Director of Personnel
Illinois State Treasurer
Springfield, Illinois

The Office of the Illinois State Treasurer will consider all written comments it receives within 30 days of the date of publication of this notice.

12) Initial Regulatory Flexibility Analysis: The Office of the Treasurer does not believe that the proposed Rules will affect any local government.

The full text of the Proposed Rule begins on the next page:

TREASURER

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NOTICE OF PROPOSED RULES

NOTICE OF PROPOSED RULES

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND POSITION CLASSIFICATIONS
CHAPTER IV: TREASURERPART 610
CLASSIFICATION AND PAY

SUBPART A: POSITION CLASSIFICATION

Section	Classification Plan
610.110	Allocation
610.120	Reconsideration
610.130	Assignments to Other Classes
610.140	Revised Class Requirements
610.150	

SUBPART B: PAY PLAN

Section	Establishment of Plan
610.210	Provisions of the Pay Plan
610.220	Approval of Pay Plan
610.230	

AUTHORITY: Implementing and authorized by the State Treasurer Employment Code (Ill. Rev. Stat. 1988 Supp., ch. 130, pars. 101 et seq.).

SOURCE: Adopted at ___ Ill. Reg., effective ____.

SUBPART A: POSITION CLASSIFICATION

Section 610.110 Classification Plan

The Director of the Division of Personnel (Director of the Department) shall maintain, and revise when necessary, a uniform position classification plan for positions under the State Treasurer Employment Code (Code) (Ill. Rev. Stat. 1988 Supp., ch. 130, pars. 101 et seq.) based on the similarity of duties and responsibilities assigned so that the same schedule of pay may be equitably applied to all positions in the same class, under the same or substantially the same employment conditions. However, the pay of an employee whose position is reduced in rank or grade by reallocation because of loss of duties or responsibilities after his/her appointment to the position shall not be required to be lowered for a period of one year after the position reallocation.

Section 610.120 Allocation

It is the responsibility of each department head to report to the Director any significant changes in the duties of every position within the Department. At the request of a department head, or at the discretion of the Director, a survey, audit, or other similar investigation as may be deemed necessary by the Director shall be made to determine the allocation of the employee's position. After making the survey, audit, or other investigation, the Department of Personnel shall notify the department head in which the position is located of its decision as to the proper allocation of the position in question. It shall be the responsibility of the department head in which the position is located to notify the incumbent of the position of the decision of the Department of Personnel.

Section 610.130 Reconsideration

- a) Within 30 days after receiving notice of the decision, the incumbent in the position may make a written request of the Director for a reconsideration of the decision. Thereafter, the Director shall reinvestigate the duties and responsibilities of the position and related positions, if necessary, and shall give the affected employee a reasonable opportunity to be heard.
- b) After this investigation, the Director shall render a written decision which shall be served on the employee in person or by certified mail, return receipt requested, at the last address shown in the personnel file. The

effective date of the Director's reconsideration decision shall be the date the request for reconsideration was received by the Director.

- c) An employee wishing to appeal the Director's reconsidered decision shall serve upon the Personnel Review Board a written notice of appeal of the reconsidered decision within fifteen (15) calendar days after receipt of notice of the reconsidered decision. A copy of the notice of appeal shall also be served upon the Director.

Section 610.140 Assignments to Other Classes

An employee whose position has been allocated to a class having a higher, lower, or same maximum permissible salary or rate may remain in the position provided, however, that the Director shall determine, in the case having a higher maximum salary or rate, whether, considering the nature of such change in duties, such employee is qualified for the position.

Section 610.150 Revised Class Requirements

When requirements for a class are revised and the duties and responsibilities of positions comprising the class remain essentially unchanged, incumbents in these positions who qualify under the previous requirements for the class will be considered qualified.

SUBPART B: PAY PLAN

Section 610.210 Establishment of Plan

The Director shall prepare and maintain a Pay Plan for all employees subject to the Code.

Section 610.220 Provisions of the Pay Plan

The Pay Plan shall provide for uniform and equitable starting rates of pay, the time and manner in which subsequent changes of salary may be made, the rate each employee is to be paid, and rates that are fair and reasonable compensation for the type of employment and services rendered. The Pay Plan may also include other provisions not inconsistent with law to assist in the administration of good personnel practices for the Office of the Treasurer.

Section 610.230 Approval of Pay Plan

The Pay Plan and amendments thereto shall be prepared by the Director after consultation with department heads. The Pay Plan, or amendments thereto, shall become effective only after approval by the Treasurer.

TREASURER
NOTICE OF PROPOSED RULES1) The Heading of the Part: Conditions of Employment2) Code Citation: 80 Ill. Admin. Code 6303) Section Numbers: Proposed Action:Section Numbers: Proposed Action:

630.110 New Section
 630.120 New Section
 630.130 New Section
 630.140 New Section
 630.150 New Section
 630.210 New Section
 630.220 New Section
 630.230 New Section
 630.240 New Section
 630.250 New Section
 630.260 New Section
 630.270 New Section
 630.280 New Section
 630.290 New Section
 630.300 New Section
 630.310 New Section
 630.320 New Section
 630.330 New Section
 630.340 New Section
 630.350 New Section
 630.360 New Section
 630.370 New Section
 630.380 New Section
 630.410 New Section
 630.420 New Section
 630.430 New Section
 630.440 New Section
 630.450 New Section
 630.460 New Section
 630.470 New Section
 630.480 New Section
 630.490 New Section
 630.500 New Section
 630.510 New Section
 630.610 New Section
 630.620 New Section
 630.630 New Section
 630.640 New Section
 630.650 New Section
 630.660 New Section

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NOTICE OF PROPOSED RULES

- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 127, pars. 63(b)-108(a)
- 5) A complete description of the Subjects and Issues Involved: This rulemaking establishes the guidelines for the operation of a merit-based employment program of Classification and Pay.
- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does the rule making contain an automatic repeal date? No
- 8) Does this proposed rule contain incorporations by reference? No
- 9) Are there any other proposed amendments pending this Part? No
- 10) Statement of Statewide Policy Objectives: No local government unit will be required to increase expenditures as a result of this rulemaking.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested person may submit written comments concerning this rulemaking. All comments must be submitted in writing to:

William Logan
 Director of Personnel
 Illinois State Treasurer
 Springfield, Illinois

The Office of the Illinois State Treasurer will consider all written comments it receives within 30 days of the date of publication of this notice.

- 12) Initial Regulatory Flexibility Analysis: The Office of the Treasurer does not believe that the proposed Rules will affect any local government.

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TREASURER

NOTICE OF PROPOSED RULES

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND POSITION CLASSIFICATIONS
CHAPTER IV: TREASURER

PART 630
CONDITIONS OF EMPLOYMENT
SUBPART A: GRIEVANCE PROCEDURE

Section 630.110	Grievance - Definition
630.120	Limitation
630.130	Abandonment - Extension
630.140	Grievance Committee
630.150	Representation

SUBPART B: LEAVES OF ABSENCE

Section 630.210	Sick Leave
630.220	Accumulation of Sick Leave
630.230	Leave for Personal Business
630.240	Leave of Absence Without Pay
630.250	Leaves of Absence - Special
630.260	Leaves of Absence - Special - Salary
630.270	Leave to Take Exempt Position
630.280	Military, Job Corps, and Peace Corps Leave
630.290	Leave for Annual Military Reserve Training or Special Duty
630.300	Leave for Military Physical Examinations
630.310	Election to Public Office
630.320	Employee Rights After Leave
630.330	Failure to Return from Leave
630.340	Attendance in Court
630.350	Holiday Observance
630.360	Holiday During Vacation
630.370	Eligibility for Holiday Pay
630.380	Holidays - Regional or Special

SUBPART C: VACATION

Section 630.410	Eligibility
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SUBPART D: WORK SCHEDULES

Section 630.510	Work Schedules
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SUBPART E: OVERTIME

Section 630.610	Overtime
630.620	Compensatory Time
630.630	Compensatory Time Schedule
630.640	Overtime Compensation in Cash
630.650	Overtime - Accumulation
630.660	Overtime Payable Upon Death

TREASURER

NOTICE OF PROPOSED RULES

AUTHORITY: Implementing and authorized by the State Treasurer Employment Code (Ill. Rev. Stat. 1988 Supp., ch. 130, pars. 101 et seq.).

SOURCE: Adopted at Ill. Reg. _____, effective _____.

SUBPART A: GRIEVANCE PROCEDURE

Section 630.110 Grievance - Definition

Any employee of the Office of the Treasurer may grieve the impact upon his/her employment condition or status of the application of the State Treasurer Employment Code (Code) (Ill. Rev. Stat. 1988 Supp., ch. 130, pars. 101 et seq.), the rules or any policy.

Section 630.120 Limitation

- The rules of the Department of Personnel (Department) in the Office of the Treasurer (80 Ill. Adm. Code 610, 620, 630 and 640) and the related official policy are not grievable matters. Probationary terminations, charges seeking discharge, demotion, or suspension totaling more than thirty (30) days in any twelve (12) month period of certified employees, appeals of allocation of duties, or transfers from one area to another are not subject to the grievance procedures.
- An employee shall be allowed reasonable time during working hours for the presentation of a grievance, provided the employee has obtained permission from his/her immediate supervisor and the employee's absence will not interfere with agency operations.

Section 630.130 Abandonment - Extension

- Failure of either party to comply with the form or time requirements of the grievance procedures shall resolve the matter in favor of the other. The parties may mutually extend the time limits in writing at any level of the procedure except in the case of a hearing arising from demotion or discharge of a certified employee.
- An employee's failure to submit a grievance, or to submit it or appeal it to the next level of this procedure within the specified time limits, shall mean that the employee has withdrawn the grievance or accepted the last answer given in the grievance procedure.
 - Step 1: A grieving employee shall present the grievance orally to the immediate supervisor explaining its nature and circumstances within five (5) scheduled working days after learning of the circumstances or conditions leading to it. The immediate supervisor shall answer within five (5) scheduled working days of its presentation.
 - Step 2: If the grievance is not satisfactorily resolved or no answer is given within five (5) scheduled working days of its presentation, the employee may, within ten (10) days of the date the Step 1 answer was due, submit the grievance to the next higher supervisor by reducing the grievance to writing on a form prescribed by the Department for such purpose and presenting it to the next higher supervisor or the person designated to act at this Step. A written answer shall be given within five (5) working days of its receipt by such person.
 - Step 3:
 - If the grievance is not satisfactorily resolved or no answer is given within five (5) scheduled working days after its written submission at Step 2, the employee may, within ten (10) working days after the Step 2 answer is due, appeal the grievance to the head of the department by using the same or a different form.
 - Within twenty (20) working days after the Step 3 appeal is filed, the head of the department shall render a written decision and shall serve a copy of the written decision upon the grievant. Failure of the Department head to render a written decision and to serve it upon the grieving employee within the specified time shall automatically move the grievance to Step 4.
 - Step 4: If the grievance is not satisfactorily resolved or no answer is given within the time limit set forth in Step 3, the employee may submit a copy of the written statement of grievance submitted in Step 3 within ten (10) working days from the date the decision was due to the Director of Personnel for review and final determination.

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Section 630.140 Grievance Committee

- a) The Director of Personnel shall appoint ten (10) employees of the State of Illinois to comprise a grievance committee panel to hear grievances. In addition to State employees, the Director shall appoint persons to the panel who are not employees of the State of Illinois but who have knowledge and experience in personnel administration or employee relations. Committees of three (3) persons may be selected by the Director of Personnel from the grievance committee panel to hear employee grievances. Not more than one panel member shall be selected from any one department, and no panel member shall be appointed to a committee which is convened to hear a grievance arising from the department in which the panelist is an employee.
- b) In addition to the three (3) committee members appointed to hear a grievance, there shall be an employee of the Department present at all grievance hearings and deliberations to assist the panel in its determination. The Department employee shall act as secretary-chairperson of the committee and shall be entitled to vote on its recommendations. Unless an expedited Step 4 procedure is agreed to by the parties pursuant to procedures and policies issued by the Director, the members of the grievance committee shall reduce to writing their recommendations on the disposition of the grievance and shall submit them to the Director of Personnel. A dissenting member of the committee may make separate recommendations. All recommendations will bear the signature of the concurring committee members.
- c) Upon the receipt of recommendations from a grievance committee, the Director shall approve, disapprove, or modify the panel recommendations, shall render a decision in writing, and shall cause a copy of such decision to be served upon the parties. The Director's decision shall be final.
- d) The written statement of the employee's grievance, the recommendations of the grievance committee, and the decision of the Director of Personnel shall be made a part of the permanent record of the grieving employee in the files of the Department.

Section 630.150 Representation

In discussion or meetings with the employer in Steps 2, 3, or 4 of the grievance procedure, the employee shall be entitled to be present and may be accompanied by a representative of his/her choice.

SUBPART B: LEAVES OF ABSENCE**Section 630.210 Sick Leave**

All employees, except those in emergency, intermittent, per diem, or temporary status unless such status is the result of accepting a nonpermanent work assignment in another class, shall accumulate sick leave at the rate of one (1) day for each month's service. Sick leave may be used for illness, disability, or injury of the employee, appointments with doctor, dentist, or other professional medical practitioner and also may be used for not more than thirty (30) days in one (1) calendar year in the event of serious illness, disability, injury, or death of a member of the employee's immediate family. The Department may require evidence to substantiate that such leave days were used for the purposes set forth.

Section 630.220 Accumulation of Sick Leave

Employees shall be allowed to carry over from year to year of continuous service any unused sick leave allowed under this Section or Section 630.210 and shall retain any unused sick leave accumulated prior to the effective date of this Part.

Section 630.230 Leave for Personal Business

- a) All employees, except those in emergency, per diem, or temporary status, shall be permitted twenty-one (21) hours (or the equivalent three (3) working days) of leave for personal business each calendar year with pay. Such personal days shall not be used to extend a holiday or annual leave except as permitted in advance by the department head through prior written approval. Employees entitled to receive personal leave who enter service during the year shall be given credit for the leave at the rate of three and one-half (3 1/2) hours (one-half (1/2) day) for each two (2) months service during the calendar year in which they were hired. Such personal leave may not be used in increments of less than one (1) hour at a time. Except for those emergency situations which preclude the making of prior arrangements, personal days off shall be scheduled sufficiently in advance to be consistent with operating needs of the employer.

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- b) Personal leave shall not accumulate from calendar year to calendar year.

Section 630.240 Leave of Absence Without Pay

Unless otherwise provided in this Part, and with the prior approval of the Director, a department head may grant leaves of absence without pay to employees for period not to exceed six (6) months, and the leaves may be extended for good cause by the department head for additional six (6) month periods with the Director's approval. No emergency or temporary employee shall be granted a leave of absence.

Section 630.250 Leaves of Absence - Special

The Director may grant special leaves of absence to employees for purposes of education, attendance at professional or union conventions, or similar reasons where a benefit would accrue to the skills of the work force.

Section 630.260 Leaves of Absence - Special - Salary

The Director shall determine for each special leave of absence that is approved whether the leave shall be with or without pay, full or partial.

Section 630.270 Leave to Take Exempt Position

The Director may approve leaves of absence for certified employees who accept appointment in a position which is exempt from the Code. Such leaves of absence may be for a period of one (1) year or less and may be extended for additional one (1) year periods. At the expiration of the leave of absence, an employee shall be restored to the same or similar position upon making application to the department with continuous service including the period of such leave.

Section 630.280 Military, Job Corps, and Peace Corps Leave

Leaves of absence shall be allowed employees who enter military service, the Peace Corps, or Job Corps as provided in 80 Ill. Adm. Code 620.340 and 620.360 and as may be required by law.

Section 630.290 Leave for Annual Military Reserve Training or Special Duty

- a) An employee who is a member of a reserve component of the Armed Services, the Illinois National Guard, or the Illinois Naval Militia shall be allowed leave with pay not to exceed one (1) full pay period annually without loss of any other accrued benefit.
- b) If time required on any of the types of military service covered by this Section exceeds one (1) full pay period in any one fiscal year, the employee shall be granted additional leave without pay by the employing department, provided, however, that during periods of active service to meet emergencies as proclaimed by the Governor, the employee shall be granted a leave of absence with pay. Upon receiving the sum paid for such service under the Military Code of Illinois (Ill. Rev. Stat. 1987, ch. 129, pars. 220.001 et seq.), the employee shall submit the warrant, or its equivalent, to the department to be returned to the fund in the State Treasury from which the original agency payroll warrant was drawn. In the event the military pay is greater than the State compensation for the period of emergency call-up, the employee shall retain the military pay and return to the department the amount the agency paid the employee for the period.
- c) An employee shall provide the department with certification by the commanding officer of the employee's unit that all leave time was used for the purpose for which granted.

Section 630.300 Leave for Military Physical Examinations

Any employee drafted into military service shall be allowed up to three (3) days leave with pay to take a physical examination required by the draft. Upon request, the employee must provide the department with certification by a responsible authority that the period of leave was actually used for such purpose.

Section 630.310 Election to Public Office

Employees who are elected to public office shall, upon request, be granted a leave of absence without pay for so long as they remain elected public officers and they shall be returned to the same or comparable positions from which they were on leave providing they so request within thirty (30) calendar days following termination of their elected offices.

Section 630.320 Employee Rights After Leave

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When an employee returns from a leave of absence of six (6) months or less, the department shall return the employee to the same or similar position in the same class in which the employee was incumbent prior to the commencement of the leave. Except for those leaves granted under Sections 630.270 and 630.280, when an employee returns from a leave or leaves exceeding six (6) months and there is no vacant position available to him/her in the same class in which the employee was incumbent prior to the leave or leaves commencing, the employee may be laid off without consideration of continuous service and, if laid off, the employee's name shall be placed on the reemployment list.

Section 630.330 Failure to Return from Leave

Failure to return from leave within (5) days after the expiration date may be cause for discharge.

Section 630.340 Attendance in Court

Any permanent employee called for jury duty or subpoenaed by any legislative, judicial, or administrative tribunal shall be allowed time away from work with pay for such purposes. Upon receiving the sum paid for jury service or witness fee, the employee shall submit the warrant, or its equivalent, to the department to be returned to the fund in the State Treasury from which the original payroll warrant was drawn, provided, however, an employee may elect to fulfill the call or subpoena on accrued time off or personal leave and retain the full amount received for such service. Emergency or temporary employees shall be allowed time off without pay for such purpose and shall be allowed to retain the reimbursement received therefor.

Section 630.350 Holiday Observance

Where employees are scheduled and required to work on a holiday, equivalent time off will be granted within the following twelve (12) month period at a time convenient to the employee and consistent with the department's operating needs.

Section 630.360 Holiday During Vacation

When a holiday falls on an employee's regularly scheduled work day during the employee's vacation period, an extra day shall be added to the employee's vacation.

Section 630.370 Eligibility for Holiday Pay

To be eligible for holiday pay, the employee shall work the employee's last scheduled work day before the holiday and first scheduled work day after the holiday unless absence on either or both of these work days is for good cause and approved by the Department head.

Section 630.380 Holidays - Regional or Special

The Treasurer or the Director may grant employees full or partial days off with pay to meet the unique needs of any region or area within the State. Special time off shall not accrue to any other employee in any other region or area of the State.

SUBPART C: VACATION

Section 630.410 Eligibility

- a) Employees, except emergency, temporary, and those paid pursuant to Part II, Section 3 of the Pay Plan, shall earn vacation time. No employee on leave of absence may earn vacation except when the leave was for the purpose of accepting a temporary working assignment in another class. Vacation accrual rates will be determined by the Director and shall be consistently applied to all employees.
- b) Vacation time may be taken in increments of not less than one-half (1/2) day at a time, any time after it is earned, provided the employee has at least six (6) months of continuous service since the latest date of hire. Vacation time shall not be accumulated for more than twenty-four (24) months after the end of the calendar year in which it is earned.
- c) Computation of vacation time of State employees who have interrupted continuous State service shall be determined as though all previous State service which qualified for earning of vacation benefits is continuous with present service.

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SUBPART D: WORK SCHEDULES

Section 630.510 Work Schedules

Each supervisor or department head shall prepare a schedule of working hours and work days pertaining to his/her work unit. Such schedule shall set forth starting and quitting times, break times, lunch time, and the work days that apply to the employees within his/her area of supervision. Work schedules shall be submitted to the Director for his approval. Upon approval, the schedules shall be posted and complied with by all of the employees within the work unit.

SUBPART E: OVERTIME

Section 630.610 Overtime

For those positions determined by the Director to be covered by the Fair Labor Standards Act (29 U.S.C. 201 et seq.), authorized work in excess of an approved work schedule shall be overtime. Such work may be compensated in cash or compensatory time as determined by the department. Overtime work shall be distributed as equitably as possible among qualified employees competent to perform the services required when overtime is required. Employees shall be given as much advance notice as possible. Except where required by law, time spent in travel shall not be considered overtime.

Section 630.620 Compensatory Time

An employee's overtime accumulation shall be liquidated by the utilization of compensatory time off when such utilization is practical. Where the approved work schedule is less than a forty (40) hour work week, overtime shall be compensated as a straight time rate. Work in excess of a forty (40) hour week shall be compensated at time and one-half.

Section 630.630 Compensatory Time Schedule

Compensatory time shall be scheduled as often as possible at the employee's preference excepting in those circumstances where, with reasonable certainty, such absence would be harmful to the operation of his/her work unit.

Section 630.640 Overtime Compensation in Cash

Whenever it is not practical to liquidate an employee's overtime with compensatory time off, the employee shall be reimbursed in cash. Such payment shall be paid at the straight-time rate for work in excess of the approved work schedule but less than a forty (40) hour work week. Work in excess of a forty (40) hour work week shall be paid at time and one-half.

Section 630.650 Overtime - Accumulation

All employee overtime compensation shall be liquidated within forty-five (45) calendar days of its accumulation.

Section 630.660 Overtime Payable Upon Death

Upon the death of an employee, the person or persons specified in Section 14a of "AN ACT in relation to State finance" (Ill. Rev. Stat. 1987, ch. 127, par. 150a), as now or hereafter amended, shall be entitled to receive, from the appropriation for personal services available for payment, the sum of the employee's compensation for accrued overtime which would have been paid or allowed to such employee had the employee survived.

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1) The Heading of the Part: General Provisions2) Code Citation: 80 Ill. Admin. Code 6403) Section Numbers: Proposed Action:Section Numbers: Proposed Action:

640.110 New Section
 640.120 New Section
 640.130 New Section
 640.140 New Section
 640.150 New Section
 640.160 New Section
 640.170 New Section
 640.180 New Section
 640.190 New Section
 640.200 New Section
 640.210 New Section
 640.220 New Section
 640.230 New Section
 640.240 New Section
 640.250 New Section
 640.260 New Section

4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 127, pars. 63(b)-108(a)5) A complete description of the Subjects and Issues Involved: This rulemaking establishes the guidelines for the operation of a merit-based employment program of Classification and Pay.6) Will this proposed rule replace an emergency rule currently in effect? No7) Does the rule making contain an automatic repeal date? No8) Does this proposed rule contain incorporations by reference? No9) Are there any other proposed amendments pending this Part? No10) Statement of Statewide Policy Objectives: No local government unit will be required to increase expenditures as a result of this rulemaking.11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested person may submit written comments concerning this rulemaking. All comments must be submitted in writing to:

William Logan
 Director of Personnel
 Illinois State Treasurer

Springfield, Illinois

The Office of the Illinois State Treasurer will consider all written comments it receives within 30 days of the date of publication of this notice.

12) Initial Regulatory Flexibility Analysis: The Office of the Treasurer does not believe that the proposed Rules will affect any local government.

The full text of the Proposed Rule begins on the next page:

NOTICE OF PROPOSED RULES

**TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND POSITION CLASSIFICATIONS
CHAPTER IV: TREASURER**

**PART 640
GENERAL PROVISIONS**

Section	Public Records
640.110	Time and Manner of Inspection
640.120	Employee Roster Files
640.130	Confidential Records
640.140	Attendance Records
640.150	Notification of Absence
640.160	Review of Attendance Records
640.170	Undated Forms
640.180	Incomplete Forms
640.190	Evaluation Forms
640.200	Portability of Certain Benefits
640.210	Effective Date of Rules
640.220	Savings Clause
640.230	Interpretation and Application of Rules
640.240	Policy
640.250	Retroactivity
640.260	

AUTHORITY: Implementing and authorized by the State Treasurer Employment Code (Ill. Rev. Stat. 1988 Supp., ch. 130, pars. 101 et seq.).

SOURCE: Adopted at ___ Ill. Reg., effective ____.

Section 640.110 Public Records

Except as otherwise provided in this Part, all records of the Department of Personnel in the Office of the Treasurer (Department) including eligible lists shall be public records and shall be available for inspection on written request to the Director of the Department (Director) in accordance with the Freedom of Information Act (Ill. Rev. Stat. 1987, ch. 116, pars. 201 et seq.).

Section 640.120 Time and Manner of Inspection

- The records of the Department shall be available for inspection during regularly scheduled hours of work.
- Such records may be inspected only in the presence of an authorized employee of the Department.
- In the event the working conditions or the number of persons inspecting such records or the volume of records to be inspected interfere with the operations of the Department, the Director may schedule appointments for the inspection of such records.

Section 640.130 Employee Roster Files

The Director shall establish and maintain personnel files for employees subject to the State Treasurer Employment Code (Code) (Ill. Rev. Stat. 1988 Supp., ch. 130, pars. 101 et seq.), pursuant to Section 6(c) of the Code, showing the name, county of residence, date of original appointment to service, date of promotions, demotions, transfers, and other transactions, present position title, status, salary, and the operating department to which the employee is assigned.

Section 640.140 Confidential Records

The following records of the Department of Personnel shall be confidential and not available to public inspection:

- Personnel history of employee. The employee or authorized agent may inspect the employee's personnel history and personnel file, if authorization is in writing and signed by employee.

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- Reports of medical, psychological, and psychiatric examinations. An employee may inspect all reports pertaining to him/her.
- All parts of examinations. An employee or applicant may inspect his/her own answer sheet.
- The identity, complete questionnaire, and other documents related to salary surveys. Results of salary surveys shall be available.
- No records of personnel transactions including requisitions and referrals will be made available until the transactions have been completed.

Section 640.150 Attendance Records

Each operating department shall maintain accurate, daily attendance records.

Section 640.160 Notification of Absence

An employee shall, whenever possible, provide advance notice of absence from work. Absence of an employee for five (5) consecutive days without reporting to the department may be cause for discharge.

Section 640.170 Review of Attendance Records

An employee shall have the right to review his/her attendance record on file in his/her operating department or the Department of Personnel.

Section 640.180 Undated Forms

No supervisor or other person in a position of authority shall demand or request that an employee sign, nor shall any employee be required to sign, an undated resignation or any blank form. Any such demand shall entitle the employee to immediate appeal to the Director.

Section 640.190 Incomplete Forms

Any information placed on a form or any modification or alteration of existing information made on a form subsequent to having been signed by an employee shall be null and void as it may affect the employee, the employee's position, or condition of employment. Any employee required to sign any form prepared pursuant to this Part shall be given a copy of it at the time the employee's signature is affixed.

Section 640.200 Evaluation Forms

Employees shall be required to sign all evaluation forms to indicate they have read the evaluation and have discussed it with their supervisor.

Section 640.210 Portability of Certain Benefits

Sick leave earned but not taken by employees in the course of employment not subject to the Code shall be deemed to have been earned by them at the time they become subject to the jurisdiction to the extent the benefits are provided and would have been earned pursuant to the rules of the Office (80 Ill. Adm. Code 610, 620, 630, and 640).

Section 640.220 Effective Date of Rules

This Part and any amendments shall become effective upon filing with the Secretary of State, Administrative Code Division, pursuant to the provisions of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1987, ch. 127, pars. 1001 et seq.).

Section 640.230 Savings Clause

If any Section or subsection of any Section of this Part shall be held invalid, the remaining provisions of the Part shall have, and shall be given, full force and effect as completely as if the invalidated Section or subsection had not been included therein.

Section 640.240 Interpretation and Application of Rules

The Director of Personnel shall determine the proper interpretation and application of each Section and Part promulgated by the Department of Personnel. The decision of the Director as to the proper interpretation or application of any Section or Part shall be final and binding upon all departments and employees affected unless or until modified by the Review Board or the courts. All departments and employees shall comply with the Director's

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decision in the absence of a written opinion of the Attorney General or a written directive of the Review Board declaring the Director's decision to be unlawful.

Section 640.250 Policy

The Director shall promulgate policies necessary to obtain compliance with this Part and the Code.

Section 640.260 Retroactivity

This Part shall not be retroactive beyond the date of its effectiveness.

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- 1) The Heading of the Part: Merit and Fitness
- 2) Code Citation: 80 Ill. Admin. Code 620

- 3) Section Numbers: Proposed Action:
Section Numbers: Proposed Action:

620.110	New Section
620.120	New Section
620.130	New Section
620.140	New Section
620.150	New Section
620.160	New Section
620.170	New Section
620.180	New Section
620.190	New Section
620.200	New Section
620.210	New Section
620.220	New Section
620.310	New Section
620.320	New Section
620.330	New Section
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620.510	New Section
620.520	New Section
620.530	New Section
620.610	New Section
620.620	New Section
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620.710	New Section
620.720	New Section
620.730	New Section
620.740	New Section
620.750	New Section
620.760	New Section
620.810	New Section
620.820	New Section
620.830	New Section
620.840	New Section
620.850	New Section
620.860	New Section
620.870	New Section

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620.910 New Section
 620.920 New Section
 620.930 New Section
 620.940 New Section
 620.950 New Section
 620.960 New Section
 620.970 New Section
 620.980 New Section
 620.990 New Section
 620.1010 New Section
 620.1020 New Section
 620.1030 New Section
 620.1040 New Section
 620.1110 New Section
 620.1120 New Section
 620.1200 New Section
 620.1210 New Section
 620.1220 New Section
 620.1230 New Section
 620.1240 New Section
 620.1250 New Section
 620.1260 New Section
 620.1270 New Section
 620.1280 New Section
 620.1290 New Section
 620.1300 New Section
 620.1310 New Section
 620.1320 New Section
 620.1330 New Section
 620.1340 New Section
 620.1350 New Section

- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 127, pars. 63(b)-108(a)
- 5) A complete description of the Subjects and Issues Involved: This rulemaking establishes the guidelines for the operation of a merit-based employment program of Classification and Pay.
- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does the rule making contain an automatic repeal date? No
- 8) Does this proposed rule contain incorporations by reference? No
- 9) Are there any other proposed amendments pending this Part? No
- 10) Statement of Statewide Policy Objectives: No local government unit will be required

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to increase expenditures as a result of this rulemaking.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested person may submit written comments concerning this rulemaking. All comments must be submitted in writing to:

William Logan
 Director of Personnel
 Illinois State Treasurer
 Springfield, Illinois

The Office of the Illinois State Treasurer will consider all written comments it receives within 30 days of the date of publication of this notice.

- 12) Initial Regulatory Flexibility Analysis: The Office of the Treasurer does not believe that the proposed Rules will affect any local government.

The full text of the Proposed Rule begins on the next page:

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TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
 SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND POSITION CLASSIFICATIONS
 CHAPTER IV: TREASURER

PART 620
 MERIT AND FITNESS

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620.140	Equal Opportunity
620.150	Residency Requirement
620.160	Employment of Family Members
620.170	Linguistic Requirements
620.180	Eligible Lists
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620.200	Appointments - Positions Subject to the Code
620.210	Types of Status
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620.320	Interruptions in Continuous Service
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620.930	Effective Date of Layoff
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620.1030	Employee Opportunity to Seek Voluntary Reduction
620.1040	Order of Preference in Voluntary Reduction

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620.1340 Reinstatement from Suspension or Discharge
620.1350 Prohibition of Discrimination

AUTHORITY: Implementing and authorized by the State Treasurer Employment Code (Ill. Rev. Stat. 1988 Supp., ch. 130, pars. 101 et seq.).

SOURCE: Adopted at ___ Ill. Reg., effective _____.

SUBPART A: APPLICATION AND EXAMINATION

Section 620.110 Examination

- a) The Director of the Department of Personnel (Director of the Department) in the Office of the Treasurer shall conduct examinations to test the relative fitness of applicants for positions subject to the State Treasurer Employment Code (Code) (Ill. Rev. Stat. 1988 Supp., ch. 130, pars. 101 et seq.). Examinations may include an evaluation of factors such as education, experience, training, capacity, knowledge, manual dexterity, character, and physical fitness. Tests shall be job related and may be written, oral, a physical demonstration of skill, an evaluation of physical or manual fitness, or an evaluation of education and experience. Examinations shall consist of one or more tests in any combination. Where minimum or maximum requirements are established for any examination, they shall be specified in the examination announcement.
- b) Applicants shall not be questioned with respect to non-merit matters except as is necessary to meet the requirements of law or State policy.
- c) In lieu of announcing or conducting examinations, the Director may accept the results of competitive examinations conducted by an established merit system.

Section 620.120 Examinations - Time and Place

Examinations shall be held at such times and places as are necessary to meet the requirements of the Office of the Treasurer, provide economical administration, and be generally convenient for applicants. The Director may cancel or postpone examinations at any time.

Section 620.130 Veterans' Preference

Qualified persons who have passed an examination and who have been members of the armed forces of the United States in times of hostilities with a foreign country (as set out in the Code) or while citizens of the United States were members of the armed forces of allies of the United States in time of hostilities with a foreign country, shall be granted preference in entrance examinations as follows:

- a) Five points shall be added to the entrance grade for such non-disabled veteran eligibles.
- b) Ten points shall be added to the entrance examination grade for such veteran eligibles currently receiving compensation from the United States Veteran's Administration or from such allied country for war service-connected disabilities.
- c) If category ratings are used, the veteran eligibles in each category shall be preferred for appointment before the non-veteran eligibles in the same category.

Section 620.140 Equal Opportunity

Applicants or employees shall not be discriminated against on the basis of race, religion, sex, marital status, national origin, political affiliation, or membership in, or activity in or on behalf of, employee labor organizations, or any other non-merit factor. Applicants capable of performing the duties in the class shall not be discriminated against because of physical or mental handicap.

Section 620.150 Residency Requirement

Applicants who are not residents of the State of Illinois may be appointed only upon the waiver of residency requirements by the Director and only when there are fewer than three qualified residents of Illinois available.

Section 620.160 Employment of Family Members

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No spouse, parent, child, brother or sister of a present employee of the Office of the Treasurer is eligible for a position of employment within the same operational unit which is subject to the Code. This Section does not affect relatives employed prior to the effective date of this Section.

Section 620.170 Linguistic Requirements

The Director may establish linguistic options when he deems them appropriate.

Section 620.180 Eligible Lists

The Department shall establish and maintain lists of qualified applicants for positions covered by the Code. These applicants shall have successfully qualified through competitive examinations as provided in Section 620.110. The names of successful applicants shall be arranged in the order of their relative excellence whether by numerical grade or category grouping. The length of time an eligible's name may appear on the list shall be specified in the examination announcement.

Section 620.190 Responsibilities of Eligibles

It shall be the responsibility of each eligible to inform the Department in writing of any changes in address or availability for employment.

Section 620.200 Appointments - Positions Subject to the Code

Positions which are covered by the Code shall be filled in one of the following ways:

- a) By appointment of an applicant ranking among the three highest on an eligible list which is numerically rated;
- b) By appointment of an applicant from the highest ranking group of eligibles from an eligible list which is not numerically rated;
- c) By present employees, as of January 1, 1989, who have passed the probationary period and who shall be continued in their positions without further examination;
- d) By an appointment to a position through promotion of an employee who is qualified pursuant to Section 620.610;
- e) By emergency appointment for a period not in excess of ninety (90) calendar days to meet emergency situations. Emergency appointments may be made without regard to eligible lists. Such appointments may not be renewed;
- f) By temporary appointments to positions which are temporary or seasonal in nature as determined by the Director. Such appointments shall not exceed six (6) months out of any twelve (12) month period;
- g) By provisional appointments to positions without competitive examination when there is no appropriate eligible list. Provisional appointments may not exceed six (6) months out of any twelve (12) month period;
- h) By the transfer of employees from one position to another if the qualifications, responsibilities, duties, and salary range are similar;
- i) By reinstatement of persons who formerly held certified status under the Code, the Personnel Code (Ill. Rev. Stat. 1987, ch. 127, pars. 630.101 et seq.), the Secretary of State Merit Employment Code (Ill. Rev. Stat. 1987, ch. 124, pars. 101 et seq.), the Comptroller Merit Employment Code (Ill. Rev. Stat. 1987, ch. 15, pars. 401 et seq.), or the State Universities Civil Service System. To be eligible for reinstatement, such persons shall have resigned while in good standing or shall have been laid off from employment within their respective merit systems.
- j) By reemployment of an employee whose name appears upon a reemployment list; reemployment may be made to positions in the same or lower salary range as the salary range applicable to the position from which the person to be reemployed was laid off; reemployment appointments shall be qualified employees and shall be made after consideration of seniority and performance records;
- k) By the appointment of trainees into training programs approved by the Director; appointments may be made with or without examination of applicants; trainees do not acquire any rights under the Code by virtue of trainee appointments;
- l) By the reduction in rank or class of an employee, for cause, with the prior approval of the Director;
- m) By the transfer of active, certified employees from the jurisdictions of the Personnel Code, the Secretary of State Merit Employment Code, the Comptroller Merit Employment Code, or the State Universities Civil

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Service System; persons so transferred shall retain the same status under the Code as that which they held under their previous merit employment.

Section 620.210 Types of Status

The following types of appointments may be made by the Director:

- a) Except:
 - 1) For persons in positions not subject to the Code. If an exempt employee's position becomes subject to the Code by reason of extension of the Code, pursuant to Section 7(c) of the Code, the employee shall establish eligibility for the position by satisfactorily passing a qualifying examination prescribed by the Director within six (6) months after the extension of the Code to the position.
 - 2) In all other cases, if an exempt employee's position becomes subject to the Code, the employee shall establish eligibility for the position within six (6) months by successfully competing in the open competitive examination and receiving a probationary appointment according to applicable rules.
- b) Emergency: For persons selected to meet emergency situations. Emergency appointments shall not exceed ninety (90) days, shall not be renewed, and may be made without regard to an eligible list. Notices of selections and terminations shall be reported to the Director.
- c) Temporary: For persons in positions to perform temporary or seasonal work. No position shall be filled by temporary appointment for more than six (6) months out of any twelve (12) month period.
- d) Provisional: For persons in positions for which there are fewer than three available eligibles on the open competitive eligible list. No positions shall be filled by provisional appointment for more than six (6) months out of any twelve (12) month period. If a provisional employee's position is allocated to a class for which there are available eligibles, eligibility for such position shall be established within ninety (90) days through successfully competing in the open competitive examination and receiving a probationary appointment according to the applicable rules therein.
- e) Probationary: For persons appointed from an eligible list or those receiving a promotion or being reinstated. If a probationary employee's position is declared exempt from the Code, the balance of the probationary period shall be served after which certified status shall be attained.
- f) Certified: For persons having successfully completed the required probationary period. If a certified employee's position is declared exempt from the Code, certified status shall be retained in that position.
- g) Trainee: For persons in positions pursuant to established trainee and apprenticeship programs.

Section 620.220 Extension of the Code

- a) Employees in positions to which the Code is extended pursuant to Section 7(c) of the Code shall be continued in such positions and shall attain certified status therein, provided they pass a qualifying examination prescribed by the Director within six (6) months after the jurisdiction is extended and provided they satisfactorily complete their respective probationary periods.
- b) Appropriate standards for probationary appointments shall be prepared by the Director and appointments of probationary employees shall be without regard to eligible lists and without regard to the provisions of the Code and this Part requiring the appointment of the person standing among the three highest on the appropriate eligible list to fill a vacancy or from the highest category ranking group if the list is by ranking instead of numerical ratings. Nothing herein shall preclude the reclassification or reallocation as provided by this Part of any position held by any such incumbent.

SUBPART B: CONTINUOUS SERVICE**Section 620.310 Definition**

- a) Continuous service is the uninterrupted period of service from the date of original appointment to State service except as provided in Section 620.370.
- b) Employees who have accrued continuous service in another merit system in State service or who have accrued continuous service in State service not covered by a merit system and who have been transferred to a department subject to the Code shall be given credit for said service as shall be determined by the Director or required by law.

Section 620.320 Interruptions in Continuous Service

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Continuous service shall be interrupted by:

- a) Resignation; provided, however, that such continuous service will not be interrupted by resignation when an employee is employed in another position in State service within four (4) calendar days of such resignation;
- b) Discharge; provided, however, such continuous service shall not be interrupted if the employee is retained in the position after a hearing before the Personnel Review Board;
- c) Termination; because an employee has not been reemployed within two (2) years after layoff.

Section 620.330 Deductions from Continuous Service

Except as provided in Section 620.360, the following shall be deducted from, but not interrupt, continuous service:

- a) Time away from work for any leaves of absence without pay totaling more than thirty (30) days in any twelve (12) month period, except time away from work for a leave of absence to accept a temporary, provisional, emergency, or exempt assignment in another class shall not be deducted from continuous service;
- b) Time away from work because of disciplinary suspensions totaling more than thirty (30) days in any twelve (12) month period;
- c) Time away from work because of layoff.

Section 620.340 Veterans Continuous Service

Leaves of absence shall be granted to all employees, except temporary or emergency employees, who leave their positions and enter military service for four (4) years or less (exclusive of any additional service imposed pursuant to law). An employee shall be restored to the same or similar position on making an application to the Department of Personnel within ninety (90) days after separation from active duty or release from hospitalization continuing after discharge for not more than one (1) year. The employee must provide evidence of satisfactory completion of training and military service when making application and be qualified to perform the duties of the position.

Subject to the provisions of Section 620.200, a veteran who returns to State service after having been granted a leave of absence from provisional status shall be permitted and required to pass the same or similar examination for his/her position within ninety (90) days.

Trainees who have not previously done so and whose training was interrupted by military leave shall be required to qualify in an examination in the trainee class before being granted allocation or non-competitive promotion to a higher class.

Section 620.350 Peace Corps or Job Corps Enrollees Continuous Service

Any employee who volunteers and is accepted for service in the overseas or domestic Peace Corps or Job Corps shall be given a leave of absence from his/her State employment for the duration of his/her initial period of service and restored to the same or similar position provided that the employee returns to his/her employment within ninety (90) days of the termination of his/her service or release from hospitalization from a service Peace Corps or Job Corps connected disability.

Section 620.360 Accrual and Retention of Continuous Service During Certain Leaves

During a maternity absence or an educational, military, Peace Corps, Job Corps, or service-connected disability leave, an employee shall retain and accrue continuous service provided appropriate application or return, as the case may be, is made pursuant to the requirements of Sections 620.430 and 620.440. No other employment benefit shall be granted during such leaves.

Section 620.370 Limitations on Continuous Service

Temporary and emergency employees employed after January 1, 1989, shall not accumulate continuous service except as provided in the Code.

SUBPART C: PERFORMANCE REVIEW**Section 620.410 Performance Records**

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- a) Performance records shall constitute all material in an employee's personnel file which, in the judgment of the Director, is relevant to determining the appropriateness of proposed or recommended personnel transactions.
- b) Such records shall be considered by the Director in all cases of promotion, demotion, discharge, layoff, recall, reinstatement, geographical transfer, and certification.

Section 620.420 Performance Evaluation Forms

- a) Performance records shall include an evaluation of employee performance prepared by each department head or designee on forms prescribed by the Director.
- b) For an employee serving a six (6) month probationary period, the department head or designee shall prepare and submit to the Department two such evaluations - one at the end of the third (3rd) month of the employee's probationary period and another fifteen (15) days before the conclusion thereof.
- c) For an employee serving a three (3) month probationary period, the department head or designee shall prepare and submit to the Department of Personnel an evaluation form two and one-half (2 1/2) months after commencement of the probationary period.
- d) For a certified employee, each department head or designee shall prepare an evaluation not less often than each time an employee receives a satisfactory or superior performance increase under the Department's Pay Plan. Each employee shall receive an annual performance evaluation.

SUBPART D: PROBATIONARY STATUS**Section 620.510 Probationary Period**

- a) A probationary period of six (6) months shall be served by:
 - 1) an employee who enters service or commences a new period of continuous service;
 - 2) an employee who is reinstated as provided under Section 620.1120;
 - 3) an employee who is appointed from an open competitive eligible list, whether or not it is considered an advancement in rank or grade. Trainees whose positions are allocated upward may achieve probationary status pursuant to Section 620.210.
- b) A probationary period of three (3) months shall be served by an employee who is demoted or promoted except a demoted probationary employee shall not be required to serve any probationary period if the employee previously held certified status in the class to which demoted. A probationary employee transferred during the probationary period shall serve that portion of the probationary period which was not completed at the time of such transfer.
- c) A probationary period shall not be deemed to be continued by the payment of any sum for vacation or other benefits accrued during the probationary period.
- d) If an employee is absent from work for more than fifteen (15) calendar days during the probationary period because of leave of absence, disciplinary suspension, sick leave, work-related injury, or industrial disease, the absence shall serve to extend the probationary period by the length of the absence.

Section 620.520 Certified Status

A probationary employee shall attain certified status only after successful completion of a probationary period. Notice of certification will be sent to the employee and department head by the Director promptly thereafter.

Section 620.530 Status Change in Probationary Period

An employee may not be promoted, demoted, discharged or transferred during the probationary period without the approval of the Director.

SUBPART E: PROMOTIONS**Section 620.610 Definitions**

A promotion is the appointment of an employee, with the approval of the department head and the Department of Personnel, to a vacant position in a class in higher salary grade than the former class.

Section 620.620 Eligibility for Promotion

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The Director may approve the promotion of qualified employees who have established eligibility for the appropriate class, in accordance with merit standards set forth in Section 620.110.

Section 620.630 Limitations on Promotions

No provisional, temporary, emergency, or probationary employee shall be promoted unless the employee has previously held certified status during his current period of continuous service.

Section 620.640 Failure to Complete Probationary Period

- a) A promoted, certified employee who fails to satisfactorily complete the probationary period in the promoted position because of inability to perform the duties and responsibilities of the new position shall be returned to a position in the class, department, and locality and with the status from which promoted.
- b) A promoted employee who is demoted during a probationary period shall serve a probationary period of three (3) months unless he/she had previously held certified status in the former class in which case the return shall be to certified status.
- c) A promoted employee previously certified may be discharged for cause during the probationary period, and in such event, the employee has the same right to appeal as a certified employee.

SUBPART F: EMPLOYEE TRANSFER**Section 620.710 Transfer**

A transfer is the assignment of an employee to a vacant position whose classification has the same maximum permissible salary or rate.

Section 620.720 Intra-agency Transfer

An employee may be transferred to a position in the same class to which appointed or to a position involving similar qualifications, duties, responsibilities, and salary range, in another department, section, or other unit within the office. No intra-agency transfer shall be made without the approval of the Director.

Section 620.730 Inter-agency Transfer

An employee may be transferred to a position in the same class, or to a position involving similar qualifications, duties, responsibilities, and salary range in another agency or jurisdiction, with the approval of both agencies, the Directors, and with the consent of the employee.

Section 620.740 Rights of Transferred Employees

A transferred employee shall retain status, continuous service, and all accrued benefits.

Section 620.750 Transfer of Duties

When the duties of a position are relocated by transfer or by abolition and reestablishment and when the duties are substantially the same, an incumbent employee may elect to relocate and retain the duties of the position.

Section 620.760 Limitation on Transfers

Temporary, emergency, and provisional employees shall not be transferred.

SUBPART G: DEMOTION**Section 620.810 Definition**

- a) Demotion is the assignment of an employee to a vacant position in a class having a lower maximum permissible salary or rate than the class from which the demotion was made for reasons of inability to perform work of the class from which the demotion was made.
- b) A department head may initiate demotion of an employee by filing with the Director a written statement of reasons for demotion in the form and manner prescribed. Such written statement shall be signed by the head of the department and shall contain sufficient facts to show good cause for the demotion. No demotion shall become effective without the prior approval of the Director who shall take into consideration the employee's education, experience, and performance records.

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Section 620.820 Notice to Employee

If the statement of reasons for demotion of a certified employee is approved by the Director, a copy of the approved statement of reasons for demotion shall be served on the employee by the Director in person or by certified mail, return receipt requested, at the employee's address appearing in the personnel file.

Section 620.830 Employee Obligations

Upon receipt by the employee of the approved statement of reasons for demotion or upon the effective date thereof, whichever is later, the employee shall leave the position in which assigned prior to such statement of reasons and report for duty to the position to which demoted without prejudice to the right to appeal under Section 620.860.

Section 620.840 Salary and Other Benefits of Employee

Upon receipt by the employee of the approved statement of reasons for demotion, or on the effective date thereof, whichever is later, all salaries and benefits of such employee in the position in which assigned prior to receipt of such statement of reasons shall be adjusted to reflect the demotion.

Section 620.850 Appeal by Certified Employee

A certified employee who has been served with an approved statement of reasons for demotion may appeal to the Personnel Review Board, provided the written appeal is made within fifteen (15) days of receipt of the approved statement of reasons for demotion.

Section 620.860 Demotion of Other Employees

The Director may approve the demotion of probationary employees. Notice of such demotion shall be served on the employee by the Director in person or by certified mail, return receipt requested, at the employee's last address appearing in the personnel file.

Section 620.870 Status of Demoted Employees

A demoted certified employee shall be certified in the class to which demoted and shall not be required to serve a new probationary period. Subject to Section 620.510, a demoted probationary employee shall serve a new probationary period in the class to which he is demoted.

SUBPART H: LAYOFFS AND REEMPLOYMENT**Section 620.910 Layoff Procedure**

- a) A department head may request the layoff of an employee because of lack of funds, material change in duties or organization, lack of work, or the abolition of a position for any of these reasons. Based on class, department, or other designation, layoffs shall be within organizational units justified by operations and approved prior to the layoffs by the Director.
- b) A proposed layoff is subject to the approval of the Director before becoming effective and shall include the following for the organizational unit in which the layoff is proposed:
 - 1) A list of all employees showing status and total continuous service;
 - 2) A listing of those employees to be laid off;
 - 3) Performance records of all employees in classes affected by layoff plan;
 - 4) An explanation of any layoff not in order of continuous service;
 - 5) An explanation of the organizational unit selected, reflecting department, facility, geographical, operational, and other elements deemed relevant by the department head.

Section 620.920 Order of Layoff

- a) The following order shall be observed in making layoffs:
 - 1) No certified or probationary employee may be laid off until all temporary, emergency, provisional, and exempt employees in the same class and organizational unit are terminated;
 - 2) No certified employee may be laid off until all probationary employees in the same class and organizational unit are terminated.

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- b) Within status groups and in accordance with the layoff plan submitted under Section 620.1010, consideration shall be given to performance records and continuous service as defined in Section 620.310.

Section 620.930 Effective Date of Layoff

Unless extraordinary operating conditions or events are specified in the proposed layoff plan, no layoff shall be effective until ten (10) working days after the Director's approval of the layoff plan.

Section 620.940 Disapproval

The Director may disapprove any layoff plan which results in a disproportionate impact on affected employees within the race, sex, or religious group.

Section 620.950 Reemployment Lists

- a) The department shall establish and maintain a reemployment list, by class, department, or geographical area, approved by the Director before layoff. A certified employee who has been laid off shall be placed in order of length of continuous service, as defined in Section 620.310, on a reemployment list for recall to the first available assignment to a position in the class (or related classes with substantially similar requirements and duties), department, county, or other designated geographical location or area in which the employee was assigned prior to being placed on the reemployment list. Where circumstances warrant, at the discretion of the Director, the reemployment list may be established by related classes whose duties are substantially similar to the class from which the employee was laid off.
- b) An employee whose name has been placed on the reemployment list will also be eligible for reinstatement in accordance with Section 620.1120.

Section 620.960 Employment from Reemployment List

Whenever there is any person available on a reemployment list for recall to a vacant position for the same class, or related classes, where established pursuant to Section 620.950, department, county, or other designated geographical area, no temporary, provisional, or probationary appointment shall be made to such vacancy.

Section 620.970 Removal of Names from Reemployment List

- a) A laid off employee's name shall be removed from the reemployment list when:
 - 1) The employee is recalled from layoff;
 - 2) The employee refuses an offer of permanent reemployment;
 - 3) The employee's name has remained on the reemployment list for twenty-four (24) months;
 - 4) The employee has been reinstated in accordance with Section 620.1120.
- b) Offers of temporary, exempt, or emergency appointment shall not be considered as recall or reinstatement.

Section 620.980 Laid Off Probationary Employees

- a) The name of an original entrance employee who is terminated as a result of layoff before the completion of the probationary period shall be returned to the eligible list with the same grade as when appointed.
- b) An employee serving a probationary period subsequent to promotion from a position in which the employee was certified who is to be laid off shall be given notice and may request a voluntary reduction pursuant to Sections 620.1010 or 620.1030. If no voluntary reduction is effected, the employee will be laid off and the employee's name placed in seniority order on the reemployment list, as provided in Section 620.310, for the department, work location, and title in which certified.

Section 620.990 Reconsideration Request Laid Off Certified Employee

- a) Within fifteen (15) calendar days of receipt of notice of a certified employee's layoff and without prejudice to the right to request voluntary reduction, such employee may directly petition the Director of Personnel in writing for reconsideration of the decision approving the layoff.
- b) In the event a request for reconsideration is made, the Director shall designate a hearing officer to hear, review, and investigate the application of this Part and the validity of the layoff and shall submit findings to the Director for final determination. Notice of the final decision of the Director shall be served on the employee in person or by certified mail, return receipt requested, to the employee's last address appearing in the personnel file.

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SUBPART I: VOLUNTARY REDUCTION

Section 620.1010 Voluntary Reduction of Certified and Probationary Employees
Certified and probationary employees may voluntarily request or accept assignment to a vacant position in a class having a lower maximum permissible salary or rate. All requests for or acceptances of voluntary reductions shall be in writing, shall be signed by the employee, and shall be directed to the head of the department in which the vacant position exists. No reduction shall become effective without the written approval of the Director. A certified employee who is assigned and accepts a voluntary reduction in grade shall be certified in the lower class without serving a probationary period and a probationary employee shall serve the balance of the probationary period; provided, however, if reduction results in return to a trainee class or other class for which there is no provision for certification in the class, the individual's certification shall be terminated.

Section 620.1020 Limitations in Voluntary Reduction

Temporary, emergency, and provisional employees shall not be granted a request for voluntary reduction.

Section 620.1030 Employee Opportunity to Seek Voluntary Reduction

A certified employee or an employee serving a probationary period subsequent to promotion from a position in which certified who is subject to layoff as a result of the Director's approval of a layoff plan shall be promptly notified of the effective date of layoff and shall then be advised of the opportunity to request voluntary reduction to a current vacant position in accordance with Section 620.1010. An employee seeking voluntary reduction must submit a written request to the head of the employing department prior to the proposed effective date of layoff.

Section 620.1040 Order of Preference in Voluntary Reduction

In the event a certified employee, or an employee serving a probationary period subsequent to promotion from a position in which the employee was certified, requests voluntary reduction as a result of his/her pending layoff, the certified employee shall be preferred in seniority order over

- a) any probationary or provisional employees,
 - b) any applicant on an eligible list for such vacant position, and
 - c) any certified employee requesting such reduction who is not subject to layoff,
- for any current vacant position in a lower class within the same department and location in which the employee is then incumbent at the time of the layoff.

SUBPART J: RESIGNATION AND REINSTATEMENT

Section 620.1110 Resignation

An employee who voluntarily leaves the Office of the Treasurer shall, except in emergency circumstances approved by the Director, give advance notice of intent not less than fifteen (15) calendar days before its effective date. Resignation in good standing shall mean that the employee gave the required notice, or that emergency circumstances justified failure to do so, and that the employee's conduct and work performance were satisfactory at the effective date thereof.

Section 620.1120 Reinstatement

- a) On request of a department head, the Director may reinstate an employee
 - 1) who was formerly certified under the Code and who resigned or was terminated in good standing or
 - 2) whose position was reallocated downward or
 - 3) who was laterally transferred or
 - 4) whose name was placed on a reemployment list.
- b) Such reinstatement may be to a position in the class to which the employee was assigned prior to resignation, termination, downward allocation, lateral transfer, or layoff, or to an equivalent or lower position in a related series. The Director may reinstate an employee who was formerly certified under the Personnel Code, the Secretary of State Merit Employment Code, the Comptroller Merit Employment Code, or the State Universities Civil Service System. A reinstated employee shall serve an additional six (6)

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month probationary period in the position. Requests for reinstatement shall be accompanied by the employee's performance records when available.

- c) A certified employee whose name appears on a reemployment list may be reinstated to a position other than the position to which the employee is eligible for reemployment. If reinstated to a position in the same or a higher pay grade than that for which the employee is eligible for reemployment, then upon satisfactory completion of the new probationary period, the employee's name shall be removed from the reemployment list. If reinstated to a position in a lower pay grade than that for which the employee is eligible for reemployment, it shall have no effect on the employee's reemployment rights.

SUBPART K: DISCIPLINE, DISCHARGE, AND DEMOTION

Section 620.1210 Progressive Corrective Discipline

Unless grounds clearly are present warranting immediate discharge or suspension pending decision on discharge, employees shall be subject to corrective discipline progressively applied utilizing counseling, warnings, or suspensions, as the facts and circumstances dictate, prior to discharge. If an employee's work or work-related conduct remains unacceptable after the application of progressive corrective discipline, such employee may be discharged in accordance with the appropriate Sections in this Subpart.

Section 620.1220 Discipline - Written Warnings

A department head or designee may warn an employee either orally or in writing as a disciplinary measure. A copy of any written warning shall be placed in the employee's personnel file and may be used in considering further discipline, demotion, withholding of salary increases, and other personnel transactions when such actions occur within twelve (12) months of the date of issuance of the written warning. The employee shall sign one copy signifying he/she has received and read it and shall retain one copy for his/her own records. The written warning shall bear the signature of the issuing official.

Section 620.1230 Suspension Totalling Not More Than Thirty Days in any Twelve Month Period

Disciplinary suspensions without pay totaling not more than thirty (30) days in any twelve (12) month period may be imposed upon an employee by a department head or designee. Unless a delay in the imposition of discipline will result in clear harm or damage to a department, the employee shall be informed in writing of the proposed suspension and the reasons therefor at least four (4) working days prior to the effective date of the proposed suspension and shall be provided with copies of pertinent documents on which the proposed suspension is based. The employee shall have two (2) working days after being informed of the proposed suspension within which to address to the department head written rebuttal to the reasons given for the suspension. A decision of a department head or designee not to suspend the employee shall be rendered in writing before the proposed suspension date. Written notice of any suspension imposed with the reasons therefor must be served upon the employee on a form prescribed by the Director on or before the effective date of the suspension in person or by certified mail, return receipt requested, at the employee's last address appearing in the personnel file. The Personnel Director must be notified of any suspensions and copies of all written notices must be filed with the Director on the same day or prior to the date the suspension became effective.

Section 620.1240 Suspension Totalling More Than Thirty Days in any Twelve Month Period

The department head or a designee may, after complying with the procedures set forth in this Section, initiate a disciplinary suspension of any employee totaling more than thirty (30) days in any twelve (12) month period and, if such employee is certified, the department head shall file written charges for such suspension with the Director in the form and manner prescribed. The written charges shall be accompanied by a copy of the employee's performance records. Unless a delay in the imposition of discipline will result in clear harm or damage to a department, the employee shall be informed in writing of the proposed suspension and the reasons therefor at least four (4) working days prior to the effective date of the proposed suspension and shall be provided with copies of pertinent documents on which the proposed suspension is based. The employee shall have two (2) working days after being informed of the proposed suspension within which to address to the department head or designee written rebuttal to the reasons given for the suspension. A decision of a department head or designee not to suspend the employee shall be rendered

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in writing before the proposed suspension date. A copy of the written decision must be forwarded to the Director on the day the decision is rendered.

Section 620.1250 Notice of Suspension to Employee

Notice of approved charges for a disciplinary suspension totaling more than thirty (30) days in any twelve (12) month period shall be served on a certified employee by the Director in person or by certified mail, return receipt requested, at the employee's last address appearing in the personnel file.

Section 620.1260 Employee Obligations

Upon receipt by the employee of a disciplinary suspension or charges for discharge, the employee shall leave the place of employment and, if deemed appropriate by the department head, any housing or other accommodations furnished the employee by the Office of the Treasurer.

Section 620.1270 Hearing - Suspension Thirty Calendar Days or More

Employees who have been suspended for a period in excess of thirty (30) calendar days in a twelve (12) month period for cause may make a written request to the Review Board for a hearing within fifteen (15) calendar days of receipt of the written charges.

Section 620.1280 Suspension Pending Decision on Discharge

A department head or designee may suspend any employee for up to thirty (30) days pending the decision of the department head to file charges for discharge against such employee. The department head shall, at the time of this suspension, provide the employee with written reasons therefor in person or by certified mail, return receipt requested, at the employee's last address appearing in the personnel file. Notice of the suspension must also be filed immediately with the Director. The Department head shall thereafter promptly investigate the facts and circumstances and render his/her decision. Should the department head determine that the facts and circumstances do not warrant disciplinary suspension or charges for discharge, the employee shall be made whole. Should the department head determine that a disciplinary is appropriate, Section 620.1230 or 620.1240, as the case may be, shall apply in its entirety. Should the department head determine that discharge of the employee is appropriate, Section 620.1300 shall apply in its entirety.

Section 620.1290 Approval of Director of Personnel

No disciplinary suspension totaling more than thirty (30) days in any twelve (12) month period for a certified employee shall be effective without the approval of the Director.

Section 620.1300 Discharge of Certified Employee

The department head or his designee may initiate discharge of a certified employee by filing written charges for discharge with the Director in the form and manner prescribed by the Director. Written charges shall be signed by the department head, shall contain a clear and concise statement of facts showing good cause for discharge, and shall be accompanied by a copy of the employee's file and performance records. No discharge of a certified employee shall be effective without the approval of the written charges for discharge by the Director.

Section 620.1310 Notice of Discharge to Employee

Notice of approved charges for discharge shall be served on the employee by the Director in person or by certified mail, return receipt requested, at the employee's last address appearing in the personnel file.

Section 620.1320 Appeal by Employee

A certified employee who has been served with approved charges for suspension in excess of thirty (30) days or discharge may appeal to the Personnel Review Board, provided the appeal is made in writing within fifteen (15) days of receipt of the approved charges.

Section 620.1330 Discharge of Probationary Employee

The Director may approve the discharge or suspension of a probationary employee at the request of a department head or designee. In determining whether or not to approve the discharge of such employee, the Director shall consider the employee's employment record.

Section 620.1340 Reinstatement from Suspension or Discharge

An employee reinstated for the period for which he/she was suspended or discharged shall receive full compensation for the suspension or discharge period. Full compensation shall mean compensation the suspended or discharged employee would have earned in the position classification during the period of suspension or discharge less amounts earned by the employee from any other source and any unemployment compensation payments received during the suspension or discharge period.

Section 620.1350 Prohibition of Discrimination

- a) Discrimination against any person in recruitment, examination, appointment, training, promotion, retention, or any other personnel transaction because of religion, race, national origin, sex, age, or other non-merit factor is prohibited except where such may be a bona fide job qualification.
- b) Any applicant or employee who feels adversely affected in employment because of discrimination shall have resort to the grievance procedure (80 Ill. Adm. Code 630. Subpart A) and may be joined in the grievance procedure by the Equal Employment Opportunity Officer or designee where necessary or appropriate.

COMMISSIONER OF BANKS AND TRUST COMPANIES

NOTICE OF ADOPTED RULES

- 1) The Heading of the Part: Loan Agreements Providing for a Bank to Share in Profits, Income or Earnings
- 2) Code Citation: 38 Ill. Adm. Code 350
- 3) Section Numbers: Adopted Action:
350.10 New Section
350.20 New Section
350.30 New Section
350.40 New Section
350.50 New Section
350.60 New Section
- 4) Statutory Authority: Implementing Section 3 and authorized by Section 48(6) of the Illinois Banking Act (Ill. Rev. Stat. 1987, ch. 17, pars. 309 and 359(6)).

5) Effective date of Rule: December 15, 1989

6) Does this rulemaking contain an automatic repeal date?

Yes ☐ No ☒

7) Does this rule contain incorporations by reference? No.

8) Date filed in Agency's principal office: November 30, 1989.

9) Notice of Proposal Published in Illinois Register July 28, 1989, 13 Ill. Reg. 12163.

10) Has JCAR issued a Statement of Objections to this Rule? No.

11) Differences between proposal and final version: Pursuant to discussions with the Joint Committee, the Commissioner of Banks and Trust Companies agreed to revise the definition of substantial equity investment and to add a definition of creditworthy. The Commissioner also agreed to make several technical deletions and additions in Sections 350.40 and 350.50 (see "Agreements" attached).

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.

13) Will this rule replace an emergency rule currently in effect? No.

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- 14) Are there any amendments pending on this Part? No.
- 15) Summary and Purpose of Rules: This rule sets forth the general criteria for determining whether an acquisition, development or construction lending transaction is an investment in real estate, a joint venture or a loan.
- 16) Information and questions regarding this adopted rule shall be directed to:

Name: William L. Conaghan or Maria A. O'Donnell
Address: Commissioner of Banks and Trust Companies
310 South Michigan Avenue, Suite 2130
Chicago, Illinois 60604
Telephone: (312)793-2043

The full text of the Adopted Rule begins on the next page:

COMMISSIONER OF BANKS AND TRUST COMPANIES

NOTICE OF ADOPTED RULES

TITLE 38: FINANCIAL INSTITUTIONS
CHAPTER II: COMMISSIONER OF BANKS AND TRUST COMPANIES

PART 350

LOAN AGREEMENTS PROVIDING FOR A BANK TO SHARE IN
PROFITS, INCOME OR EARNINGS

Section

350.10 Purpose

350.20 Definitions

350.30 Permissible ADC Lending Transactions by State Banks

350.30 Characteristics of ADC Lending Transactions Implying

350.40 Unauthorized Investments in Real Estate or a Joint

Venture

350.50 Characteristics of ADC Lending Transactions Implying

Loans

350.60 Procedure

AUTHORITY: Implementing Section 3 and authorized by Section 48(6) of the Illinois Banking Act (Ill. Rev. Stat. 1987, ch. 17, pars. 309 and 359(6)).

SOURCE: Adopted at 13 Ill. Reg. 19417
effective December 15, 1989.

Section 350.10 Purpose

A method of financing real estate acquisition, development or construction projects is through lending transactions in which the state bank shares in profits, income or earnings generated by the ultimate sale or use of the real estate. These lending transactions are often structured in such a manner that they are in essence an investment in real estate or a joint venture in which the state bank has virtually the same risks and potential rewards as those of an investor or a joint venturer. Investments in real estate or a joint venture are not authorized under Sections 3 or 5 of the Illinois Banking Act ("the Act") (Ill. Rev. Stat. 1987, ch. 17, pars. 309 and 311). This Part sets forth the general criteria for determining whether acquisition, development or construction lending transactions are an investment in real estate, a joint venture or a loan.

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Section 350.20 Definitions

"ADC" means acquisition, development or construction.

"ADC lending transaction" means a loan or extension of credit for the purpose of real estate acquisition, development or construction.

"Commissioner" means the Commissioner of Banks and Trust Companies.

"creditworthy" means having the financial capacity to issue an irrevocable letter of credit, take-out commitment, non-cancellable sales contract or lease commitment.

"substantial assets" means tangible, saleable assets other than the acquisition, development and construction project which have a determinable sales value and are not pledged as collateral for other loans.

"substantial equity investment" means any of the following:

cash payments;

contribution of land or other assets; or

value added by future development or construction as a result of the borrower's efforts.

Section 350.30 Permissible ADC Lending Transactions by State Banks

State banks may engage in or purchase participations in ADC lending transactions unless such transactions are structured in such a manner that the state bank has the same risks and potential rewards as those of an investor or a joint venturer in real estate.

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Section 350.40 Characteristics of ADC Lending Transactions Imposing Unauthorized Investments in Real Estate or a Joint Venture

Factors which are relevant, if applicable, in determining whether the risks and rewards to the state bank as a result of an ADC lending transaction are similar to those associated with an unauthorized investment in real estate or a joint venture include the following:

- a) The state bank agrees to provide more than 90% of the necessary funds to acquire and develop the property. Although the borrower has title to the property, its equity interest is less than 10% of the funds needed to acquire and develop the property;
- b) The state bank funds the interest and fees during the term of the loan by adding interest and fees to the loan balance;
- c) The state bank funds the loan commitment or origination fees or both by including them in the amount of the loan;
- d) The loan is secured only by the acquisition, development or construction project. The state bank has no legal right to liquidate other assets of the borrower and the borrower does not guarantee the loan;
- e) The ADC lending transaction will not generate income for the state bank unless the property is sold to independent third parties, the borrower obtains refinancing from another source or the property is put to productive use and generates sufficient net cash flow to service debt principal and interest; and
- f) The ADC lending transaction is structured so that foreclosure during the project's development is not possible because the borrower is not required to make any loan payments until the project is complete and therefore the loan cannot become delinquent.

Section 350.50 Characteristics of ADC Lending Transactions Imposing Loans

Factors which are relevant, if applicable, in determining whether the risks and rewards to the state bank as a result of an ADC

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lending transaction are similar to those associated with a loan include the following:

- a) The borrower has a substantial equity investment in the acquisition, development or construction project that is not funded by the state bank;
- b) The borrower has provided an irrevocable letter of credit to the state bank from a creditworthy third party for the full amount of the loan and the entire term of the loan;
- c) A take-out commitment for the full amount of the loan has been obtained from a creditworthy third party;
- d) Non-cancellable sales contracts or lease commitments from creditworthy third parties are currently in effect and will provide sufficient net cash flow upon completion of the project to service principal and interest; and
- e) Upon default, the state bank has a legal right to liquidate substantial assets of the borrower in satisfaction of the debt.

Section 350.60 Procedure

A state bank may request a declaratory ruling pursuant to Section 9(a) of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1987, ch. 127, par. 1009(a)) from the Commissioner that an ADC lending transaction is permissible by submitting a written request to the Commissioner which describes the proposed transaction and addresses the factors set forth in Section 350.50.

COMMISSIONER OF BANKS AND TRUST COMPANIES
NOTICE OF ADOPTED RULES

- 1) The Heading of the Part: Powers Incidental and Germane to Carrying on a General Banking Business
- 2) Code Citation: 38 Ill. Adm. Code 320
- 3) Section Numbers:

320.10 320.20 320.30 320.40	Adopted Action: New Section New Section New Section New Section
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- 4) Statutory Authority: Implementing Section 3 and authorized by Section 48(6)(a) of the Illinois Banking Act (Ill. Rev. Stat. 1987, ch. 17, pars. 309, and 359(6)(a)).
- 5) Effective date of Rule: December 15, 1989
- 6) Does this rulemaking contain an automatic repeal date?
 Yes ☐ No ☒
- 7) Does this rule contain incorporations by reference? No.
- 8) Date filed in Agency's principal office: November 30, 1989.
- 9) Notice of Proposal Published in Illinois Register June 9, 1989, 13 Ill Reg. 8737.
- 10) Has JCAR issued a Statement of Objections to this Rule? No.
- 11) Differences between proposal and final version:
 Pursuant to discussions with the Joint Committee, the Commissioner of Banks and Trust Companies agreed to add some examples of activities which are convenient or useful in connection with one of a state bank's established activities. The Commissioner also added examples of ordinary, traditional bank functions. In addition, the Commissioner relocated some language from Section 320.40 to a new subsection, Section 320.30(b). Finally, the Commissioner added a statutory reference to Section 320.30(a)(4).

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?
 Yes.
- 13) Will this rule replace an emergency rule currently in effect? No.

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- 14) Are there any amendments pending on this Part? No.
- 15) Summary and Purpose of Rules: This Part establishes factors which may be relevant in determining whether an activity is incidental and germane to its power to do a general banking business.
- 16) Information and questions regarding this adopted rule shall be directed to:

Name: William L. Conaghan or Maria A. O'Donnell
 Commissioner of Banks and Trust Companies
 Address: 310 South Michigan Avenue, Suite 2130
 Chicago, Illinois 60604
 Telephone: (312)793-2043

The full text of the Adopted Rule begins on the next page:

COMMISSIONER OF BANKS AND TRUST COMPANIES

NOTICE OF ADOPTED RULES

TITLE 38: FINANCIAL INSTITUTIONS
CHAPTER II: COMMISSIONER OF BANKS AND TRUST COMPANIESPART 320
POWERS INCIDENTAL AND GERMANE TO CARRYING ON A GENERAL
BANKING BUSINESS

Section

320.10 Purpose

320.20 General Banking Business

320.30 Factors to be Considered

320.40 Procedure

AUTHORITY: Implementing Section 3 and authorized by Section 48(6)(a) of the Illinois Banking Act (Ill. Rev. Stat. 1987, ch. 17, pars. 309 and 359(6)(a)).

SOURCE: Adopted at 13 Ill. Reg. 19423, effective December 15, 1989.

NOTE: Bold-face type denotes statutory language.

Section 320.10 Purpose

The powers of a state bank in Illinois are established and governed by the provisions of the Illinois Banking Act (the "Act") (Ill. Rev. Stat. 1987, ch. 17, par. 301 et. seq.). Section 3 of the Act authorizes the establishment of banks for the purpose of doing a general banking business. Section 5 of the Act further enumerates the corporate powers of a state bank. This Part establishes factors which may be relevant in determining whether an activity is within a state bank's power to do a general banking business or incidental and germane to its power to do a general banking business.

Section 320.20 General Banking Business

A state bank has the power to do a general banking business and the power to engage in activities which are incidental and germane to carrying on a general banking business (Corbett v. Devon Bank, 299 N.E. 2d 521, 529 (1973)).

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Section 320.30 Factors to be Considered

a) The following factors are relevant, if applicable, in determining whether an activity is incidental and germane to carrying on a general banking business.

1) Is the activity convenient or useful in connection with the performance of one of the bank's established activities pursuant to its express powers under the Act (i.e., selling traveler's checks, issuing credit cards, issuing license plates)?

2) Is the activity related to ordinary, traditional bank functions (i.e., lending money, paying checks and accepting deposits)?

3) To what extent do other banks participate in this activity?

4) Has the Board of Governors of the Federal Reserve System found the activity appropriate for non-bank subsidiaries of a bank holding company pursuant to 12 U.S.C. 1843(c)(8)?

b) In addition to the above-stated factors, the state bank may offer any other information to support a finding that a particular activity is incidental and germane to carrying on a general banking business.

Section 320.40 Procedure

A state bank may request a declaratory ruling pursuant to Section 9(a) of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1987, ch. 127, par. 1009(a)) from this Agency that an activity is incidental and germane to carrying on a general banking business by submitting a written request to the Commissioner which describes the proposed activity and contains information addressing the factors set forth in this Part and an analysis of the financial risks associated with this activity.

STATE UNIVERSITIES CIVIL SERVICE SYSTEM

NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: State Universities Civil Service System
- 2) Code Citation: 80 Ill. Adm. Code 250
- 3) Section Number: 250.70
Adopted Action: Amendment
- 4) Statutory Authority: Implementing and authorized by "AN ACT to create the State Universities Civil Service System" (Ill. Rev. Stat. 1987, ch. 24 1/2, par. 38b3, Section 36d(11))
- 5) Effective Date of Amendments: February 6, 1990
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Does this amendment contain incorporations by reference? No.
- 8) Date Filed in Agency's Principal Office: February 1, 1989
- 9) Notice of Proposal Published in Illinois Register:
February 17, 1989, 13 Ill. Reg. 1921
(Issue Date)

- 10) Has JCAR issued a Statement of Objection to this rule? Yes.

A) Statement of Objection: October 6, 1989 13 Ill. Reg. 15879

B) Agency Response: 13 Ill. Reg.

C) Date Response Submitted to JCAR: November 21, 1989

- 11) Difference between proposal and final version: At the request of JCAR, the Agency agreed to make modifications in the proposed rulemaking which included: stating specific statutory authority for the amendments; deletion of Director's determination for approving continued appointments after the 900 hour limitation (failed to meet requirements of Section 4.02 of the Illinois Administrative Procedure Act); and changing the word periodically to quarterly in Section 250.70(g)(8).

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.

- 13) Will this amendment replace an emergency amendment currently in effect?
No.

- 14) Are there any amendments pending on this Part? No.

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- 15) Summary and Purpose of Amendments: The purpose of this proposal is to establish a more effective and compliant utilization of extra help employees.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Emil G. Peterson, Deputy Director
State Universities Civil Service System
102 East Main Street, Suite 500
Urbana, Illinois 61801
(217) 333-3150

The full text of the Adopted Amendments begins on the next page:

STATE UNIVERSITIES CIVIL SERVICE SYSTEM

NOTICE OF ADOPTED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

SUBTITLE A: MERIT EMPLOYMENT SYSTEMS

CHAPTER VI: STATE UNIVERSITIES CIVIL SERVICE SYSTEM

PART 250

STATE UNIVERSITIES CIVIL SERVICE SYSTEM

Section

250.5	Definitions
250.10	Purpose, Adoption, and Amendment of Rules
250.20	The State Universities Civil Service System and its Divisions
250.30	The Classification Plan
250.40	Military Service Preference, Veterans Preference
250.50	Examinations
250.60	Eligible Registers
250.70	Nonstatus Appointments
250.80	Status Appointments
250.90	Probationary Period
250.100	Reassignments and Transfers
250.110	Separations and Demotions
250.120	Seniority
250.130	Review Procedures
250.140	Delegation of Authority and Responsibilities
250.150	Training
250.160	Suspension of Rules

AUTHORITY: Implementing and authorized by "AN ACT to create the State Universities Civil Service System" (Ill. Rev. Stat. 1987, ch. 24 1/2, par. 38b1 et seq.).

SOURCE: Rules: State Universities Civil Service System, approved January 16, 1952, effective January 1, 1952; amended at 3 Ill. Reg. 13, p. 68, effective April 1, 1979; amended at 4 Ill. Reg. 10, p. 262, effective February 25, 1980; amended at 6 Ill. Reg. 2620, effective February 22, 1982; amended at 6 Ill. Reg. 7236, effective June 3, 1982; amended at 8 Ill. Reg. 4948 and 4950, effective March 29, 1984; codified at 8 Ill. Reg. 12936; amended at 8 Ill. Reg. 24732, effective December 6, 1984; amended at 9 Ill. Reg. 17422, effective October 23, 1985; amended at 11 Ill. Reg. 8942, effective May 8, 1987; amended at 12 Ill. Reg. 3457, effective February 1, 1988; amended at 12 Ill. Reg. 17079, effective October 7, 1988; amended at 13 Ill. Reg. 7324, effective May 1, 1989; amended at 13 Ill. Reg. 19427, effective February 6, 1990.

Section 250.70 Nonstatus Appointments

a) Temporary Appointments.

- 1) Temporary appointments are made to any positions which the employer certifies to be emergent, temporary, or transitory. Such appointments shall be for not more than three months. With

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approval of the Director, they may be renewed in accordance with need up to a maximum of six months less one day.

- 2) An employer shall fill a temporary position by calling candidates in the same manner as for status appointments, and in accordance with Section 250.60(d). Refusal to accept, or acceptance of, a temporary appointment by a candidate shall in no way affect the candidate's position on the register, regardless of number of refusals or acceptances.

- 3) A candidate may request that he not be called for temporary positions.

b) Provisional Appointments.

- 1) In the absence of a register, an employer may make a provisional appointment, in accordance with Section 36n of "AN ACT to create the State Universities Civil Service System" the Statute (Ill. Rev. Stat. 1987, ch. 24 1/2, par. 38b13), providing the person so appointed possesses the qualifications for the position as stated in the appropriate class specification. In order to establish eligibility for a status appointment, the provisional appointee must file application for, and pass, the examination for the appropriate class.

- 2) A provisional employee, who has not qualified by examination, may continue to be employed, providing no candidate is available for appointment from the appropriate register.

c) Apprentice Appointments.

- 1) An apprentice is a nonstatus employee who is employed in an occupation defined as an "apprenticeable occupation" by the Bureau of Apprenticeship and Training, United States Department of Labor, in accordance with registered apprenticeship standards. These standards shall include, but are not necessarily limited to, criteria for screening and selection of apprentices, term of apprenticeship, requirements of related instruction, a schedule of work processes, a progressively increasing schedule of wages, periodic evaluations of the apprentice's progress, recognition for successful completion of the apprenticeship, and other requirements as established by the Joint Apprenticeship Committee governing the program in which the apprentice is enrolled and employed. The standards must meet basic requirements and be registered with the Bureau of Apprenticeship and Training, United States Department of Labor.

AGENCY NOTE: An apprenticeable occupation is a trade or craft which is recognized as apprenticeable by the United States Department of Labor, Bureau of Apprenticeship and Training, which

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is customarily learned through work experience {1} which requires 4,000 or more hours of work to learn, {2} which requires related instruction or study to supplement the work experience, {3} which is clearly identified and commonly recognized throughout the industry, and {4} which involves the development of skill and knowledge sufficiently broad to be applicable in like occupations throughout an industry, and meets the standards of the area.

2) A program, meeting the basic fundamentals for registration, will be developed by a joint apprenticeship committee composed of employer, employee representatives, together with a representative from the Bureau of Apprenticeship and Training, for submission to, and approval by, the Director of the State Universities Civil Service System (System). Following the Director's approval, the program will be submitted for approval and registration to the Bureau of Apprenticeship and Training, United States Department of Labor. However, no apprentice program will be developed for a job classification for which there is an existing registered area program.

3) Apprentices who are individually registered in the program registered with the Bureau of Apprenticeship and Training, United States Department of Labor, may be employed without University Civil Service examination.

4) An apprentice who satisfactorily completes apprenticeship in accordance with the prescribed apprenticeship standards of the program in which registered, will have attained the status of journeyman. The incumbent will not be subject to University Civil Service examination and no right to continuation in employment is earned by the satisfactory completion of such apprenticeship. If employment is continued at the journeyman level, after satisfactory completion of an apprenticeship, seniority in the promotional line shall be counted from the date that the employee acquires journeyman status.

d) Trainee Appointments.

1) An appointment, with Trainee status, may be made by an employer, with approval of the Director, to any position in which the employer indicates acceptability of a Trainee, provided

- A) there are no qualified candidates available from a reemployment or promotional register for the class;
- B) that the applicant lacks one or more of the minimum qualifications for the class;

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C) that a predetermined and scheduled program of training ~~and/or~~ or experience, as approved by the Director, is established for the candidate;

D) that whenever the scheduled program has been completed, the applicant must apply for the original entry examination for the class and must pass such examination in order to remain in the position; and

E) that at no time during the Trainee status period may the Trainee receive a salary which is more than 95% of the minimum of the range or of the minimum rate for the class.

2) Seniority in the promotional line, or in the class, shall be counted from the date that the employee satisfactorily completes the training program ~~and/or~~ and qualifies for, and passes, the examination required for the class if employment is continued.

e) Learner Appointments.

1) An appointment, with Learner status, may be made by an employer, with approval of the Director, to a position of an entry class, except a recognized trade or craft class, in which the employer indicates acceptability of a Learner, provided

A) there are no qualified candidates available from a reemployment register for the class;

B) that a predetermined and scheduled program of training, not in excess of twelve months and as approved by the Director, is established for the Learner;

C) that the Learner is accepted on the basis of a pre-employment examination provided by the System; and

D) that at no time during the Learner status period may the Learner receive a salary which is more than 95% of the minimum of the range or of the minimum rate for the class.

2) If, in the opinion of the employer, the Learner completes the prescribed training program, in accordance with examination standards established by that program, he shall be certified to a position of the class for which he completed his learning program.

3) When employment is continued on a certified basis following completion of the learning program, with or without interruption of employment by the employer, seniority in the class, following completion of a probationary period in the class, shall be counted from the date of completion of the training program and certification to the position.

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- 4) An employer may have one Learner appointment in a class, but not more than ten percent of the total positions in a class having ten or more positions, may be filled by Learner appointments on any day of operation.

f) Student Appointments.

- 1) Each employer shall determine which positions shall be designated as student positions, and when so designated, they shall be filled according to this Part and such other regulations as are established by the employer pursuant to this Part, subject to the approval of the Director.
- 2) A student employee shall not displace a certified Civil Service employee.
- 3) A student, for purposes of this Part, shall be one who is registered for course work at an institution served by the System for at least one-half of the normal workload of a regularly enrolled full-time student, as such workload is determined by the employer. Lacking such enrollment during a summer session, or summer quarter, an applicant may be considered a student for the purposes of this Part if he was enrolled as a student during the quarter or semester immediately preceding the summer session, or if he indicates his intention to be so registered during the quarter or semester immediately following such summer employment. In any case, the possession of a properly authenticated student identification card shall be deemed as providing satisfactory evidence of student status. The Director may approve exceptions to this Section when sufficient cause is evidenced; such as, but not limited to, graduating seniors, financial hardship cases, personal or physical problems, etc.

- 4) A uniform classification plan for student employees, which shall provide groups of positions sufficiently similar in duties, responsibilities and qualifications, as to be given the same class title and to be of a similar level of job worth, shall be established by each employer, subject to the approval of the Director.

- 5) Each employer shall establish a wage rate or range for each position grouping, taking into account job requirements, rates paid locally for similar work, including rates paid to Civil Service employees, consistency within the student aid program of the employer, and availability of funds. No student employee shall be paid below the minimum rate, or above the maximum rate, as established for the position grouping in which he is employed, unless approved by the Director. No maximum rate for student

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employment shall exceed the maximum rate established for comparable Civil Service classes on the same campus.

- 6) The employer may give applicants for student employment a screening examination, without Civil Service status, if such an examination is deemed necessary for the selection of employees.

- 7) No seniority as a Civil Service employee is earned through employment in a position designated as student.

- 8) A student employee is not eligible for paid vacation, paid holidays, or disability leave, as established by the Benefits Policy approved by the Merit Board and by the governing Boards of the institutions served by the System.

- 9) A position designated as student may be terminated at any time at the discretion of the employer.

- 10) Each employer may make such regulations and policies governing student employment on its respective campus(es) as it deems desirable, subject to the Statute and this Part governing the State Universities Civil Service System.

g) Extra Help Appointments.

- 1) An Extra Help appointment may be made, by an employer to any position for work which the employer attests to be casual or emergent in nature, and which meets the following conditions:

- A) the employee so appointed is called for service occasionally;
- B) the services are not regularly required on a constant, repetitive basis;

- A) the amount of time for which the services are needed is not usually predictable;

- B) payment for work performed is usually made on an hourly basis; and

- C) the work cannot readily be assigned either on a straight-time or on an overtime basis to a status employee.

For appointments which meet more than one, but less than all, of the above conditions, the Director may approve an Extra Help appointment, if he determines that sufficient cause exists.

- 2) The examination shall be brief, simple, and easily administered, and shall consist of a review of the employee's application and a verbal interview. The examination shall be scored as follows: Highly

DEPARTMENT OF CORRECTIONS
NOTICE OF ADOPTED AMENDMENTSDEPARTMENT OF CORRECTIONS
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- 1) Heading of the Part: Research and Evaluation
- 2) Code Citation: 20 Ill. Adm. Code 106
- 3) Section Numbers: 106.30
Adopted Action: Amend
- 4) Statutory Authority: Implementing and authorized by Section 3-2-2 of the Unified Code of Corrections (Ill. Rev. Stat. 1988 Supp., ch. 38, par. 1003-2-2).
- 5) Effective Date of Rule(s) (Amendments, Repealer): January 1, 1990
- 6) Does this rulemaking contain an automatic repeal date? ☒ Yes
☐ No
- 7) Does this rule (amendment, repealer) contain incorporations by reference? No.
- 8) Date Filed in Agency's Principal Office: November 28, 1989.
- 9) Notice(s) of Proposal Published in Illinois Register:
August 25, 1989 13 Ill. Reg. 13365
(issues date)
- 10) Has JCAR issued a Statement of Objections to this(these) rule(s)? No.
- 11) Difference(s) between proposal and final version: The statutory authority has been updated.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.
- 13) Will this rule (amendment, repealer) replace an emergency rule (amendments, repealer) currently in effect? No.
- 14) Are there any amendments pending on this Part? No.
- 15) Summary and Purpose of Rule(s) (Amendments, Repealer): This rule is being amended to clearly state the Department's policy that the use of committed persons for cosmetic experimentation is prohibited.
- 16) Information and questions regarding this adopted rule (amendment, repealer) shall be directed to:

Name: William H. Craine, Ph.D., Deputy Director
Address: Department of Corrections
 1301 Concordia Court
 P. O. Box 19277
 Springfield, Illinois 62794-9277
Telephone: 217/522-2666

The full text of the Adopted Rule(s) (Amendments) begins on the next page:

DEPARTMENT OF CORRECTIONS

NOTICE OF ADOPTED AMENDMENTS

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
CHAPTER 1: DEPARTMENT OF CORRECTIONS
SUBCHAPTER a: ADMINISTRATION AND RULES

PART 106**RESEARCH AND EVALUATION****Section**

106.10 Applicability

106.20 Requirements for Submitting Research Proposals

106.30 Criteria for Approval or Denial of Research Proposals

106.40 Requirements for Conducting Research Projects

AUTHORITY: Implementing Sections 3-2-2 and 3-2-8 and authorized by Section 3-7-1 of the Unified Code of Corrections (Ill. Rev. Stat. 1987 and 1988 Supp., ch. 38, pars. 1003-2-2, 1003-2-8, and 1003-7-1).

SOURCE: Adopted at 8 Ill. Reg. 14594, effective August 1, 1984; amended at 10 Ill. Reg. 12574, effective August 1, 1986; amended at 13 Ill. Reg. 19437, effective January 1, 1990.

Section 106.30 Criteria for Approval or Denial of Research Proposals

- a) The request shall be reviewed to determine if the proposed study is ethical, feasible, methodologically sound, and relevant to the needs and goals of the Department.
- b) Research requests may be denied for reasons which may include, among other factors, the nature and risk of the research, concern for security, and the level of demand on staff time and Department finances.
- c) Research projects involving use of committed persons in medical, cosmetic, or pharmaceutical experiments shall not be permitted.

(Source: Amended at 13 Ill. Reg. 19437, effective January 1, 1990)

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Employees' General Rights And Duties
- 2) Code Citation: 56 Ill. Adm. Code 2815
- 3) Section Number: 2815.105
Adopted Action: Amended Section
- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 48, pars. 540, 610 and 611, as amended by P.A. 86-3, effective July 1, 1989.
- 5) Effective Date of Amendments: December 5, 1989.
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Does this Rule contain an incorporation by reference? No.
- 8) Date Filed in Agency's Principal Office: November 30, 1989.
- 9) Notice of Proposal Published in Illinois Register: August 18, 1989 at 13 Ill. Reg. 13141.
- 10) Has JCAR issued a Statement of Objection to these Rules? No.
- 11) Difference between proposal and final version: None.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.
- 13) Will this replace an emergency rule currently in effect? Yes.
- 14) Are there any amendments pending on this Part? No.
- 15) Summary and purpose of the rules: This amendment brings this rule into conformity with a recent amendment to the statute that eliminates the provision which limited the maximum amount of delinquent spouse or child support deductible from unemployment insurance benefits to the amount of spouse or dependents' allowance provided for in Section 401 of the Act.

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENTS

of the Act (Ill. Rev. Stat. 1985, ch. 407, par. 401) as amended by P.A. 84-1389, effective January 1, 1987, for either spouse or child, as the case may be, whether or not claimed by the individual.

- b) Whenever an individual enters into an agreement for the deduction of a specified sum from his benefits under the Act in order to pay past due spouse or child support, or both, this agreement may be enforced by the Illinois Department of Public Aid by presenting to the Director the original of the agreement and requesting that the support payments sought to be satisfied be deducted out of the benefits payable to an individual required to provide support. The agreement must be signed by the individual and state clearly the amounts to be deducted from his benefits, in whose favor the support payments are payable, during which periods the deductions are to be made, and by what authority the individual is required to make support payments. If the Director is satisfied that the agreement meets the requirements herein provided, deductions shall be made in the amounts specified in the agreement.

- c) The Illinois Department of Public Aid may enforce and collect from the Director any assignment of benefits to, or agreement for deductions for the benefit of, the following persons:

- 1) Those receiving a grant of financial aid under Article IV of the Illinois Public Aid Code (Ill. Rev. Stat. 1985, ch. 23, par. 10-10.1 et seq.);
- 2) Those whose application for support services under Section 10-1 of the Illinois Public Aid Code has been approved; and
- 3) Those receiving public aid or support services from other states.

- d) In every case where there is a court-ordered assignment of wages for past due spouse or child support, this assignment of wages shall also be considered an order for withholding of income which can be enforced for collection under subsection (a).

(Source: Amended at 13 Ill. Reg. 19440, effective Dec. 5, 1989)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: Permits and General Provisions
- 2) The Code Citation: 35 Ill. Adm. Code 201
- 3) Section Number: 201.405 Adopted Action: Amend
- 4) Statutory Authority: Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111, pars. 1010 and 1027)
- 5) Effective Date of Rule(s) (Amendments, Repealer): December 5, 1989
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Does this rule (amendment, repealer) contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: November 15, 1989.
- 9) Notice(s) of Proposal Published in Illinois Register: 13 Ill. Reg. 8782, June 9, 1989.
- 10) Has JCAR issued a Statement of Objections to this (these) Rule(s)? No.
- 11) Difference(s) between proposal and final version:
 - 1) Inserted the phrases "requirements of this Subpart" in 201.405 between the words "monitoring" and "shall";
 - 2) Added the phrase "applicable to the source" after "limitation" in 201.405(a);
 - 3) Deleted the word "applicable" before "emission" in 201.405(f).
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rule (amendments, repealer) replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? Yes

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section Numbers: Proposed Action: Ill. Reg. Citation:

201.146 Amend 13 Ill. Reg. 16285

15) Summary and Purpose of Rule(s):

The purpose of this rulemaking proceeding is to correct 35 Ill. Adm. Code 201.405. Section 201.405 was the subject of a previous Board rulemaking proceeding, R87-38. After fulfilling the rulemaking requirements of the Illinois Administration Procedure Act (APA), the Board adopted Section 201.405 on December 15, 1988. In the Board's final Order, Section 201.405 consisted of five subsections, (a) through (e). However, the Board's submission of the adopted rules to the Secretary of State was incorrect. Although the Illinois Register copy correctly set forth Section 201.405, the official Secretary of State's file copy inadvertently omitted subsections (a) and (b). Thus, the official copy of Section 201.405 does not correctly represent the substantive provisions agreed upon by the R87-38 joint proponents and thereafter adopted by the Board.

16) Information and questions regarding this adopted rule shall be directed to:

Deborah A. Schmitt
100 W. Randolph Street
State of Illinois Center
Suite 11-500
Chicago, IL 60601
(312) 814-3473

The full text of the adopted rule(s) begins on the following page:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE B: AIR POLLUTION

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER a: PERMITS AND GENERAL PROVISIONS

PART 201

PERMITS AND GENERAL PROVISIONS

SUBPART A: DEFINITIONS

Section
201.101
201.102
201.103
201.104

Other Definitions
Definitions
Abbreviations and Units
Incorporations by Reference

SUBPART B: GENERAL PROVISIONS

Section
201.121
201.122
201.123
201.124
201.125
201.126

Existence of Permit No Defense
Proof of Emissions
Burden of Persuasion Regarding Exceptions
Annual Report
Severability
Repealer

SUBPART C: PROHIBITIONS

Section
201.141
201.142
201.143
201.144
201.146
201.147
201.148
201.149
201.150
201.151

Prohibition of Air Pollution
Construction Permit Required
Operating Permits for New Sources
Operating Permits for Existing Sources
Exemptions from Permit Requirement
Former Permits
Operation Without Compliance Program and Project Completion Schedule
Operation During Malfunction, Breakdown or Startups Circumvention
Design of Effluent Exhaust Systems

SUBPART D: PERMIT APPLICATIONS
AND REVIEW PROCESS

Section
201.152
201.153

Contents of Application for Construction Permit
Incomplete Applications

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

201.154 Signatures
 201.155 Standards for Issuance
 201.156 Conditions
 201.157 Contents of Application for Operating Permit
 201.158 Incomplete Applications
 201.159 Signatures
 201.160 Standards for Issuance
 201.161 Conditions
 201.162 Duration
 201.163 Joint Construction and Operating Permits
 201.164 Design Criteria
 201.165 Hearings

SUBPART F: RENEWAL, REVOCATION, REVISION
AND APPEAL

Section
 201.207
 201.209
 201.210

Revocation
 Revisions to Permits
 Appeals from Conditions

SUBPART H: COMPLIANCE PROGRAMS AND
PROJECT COMPLETION SCHEDULES

Section
 201.241
 201.242
 201.243
 201.244
 201.245
 201.246
 201.247

Contents of Compliance Program
 Contents of Project Completion Schedule
 Standards for Approval
 Revisions
 Effects of Approval
 Records and Reports
 Submission and Approval Dates

SUBPART I: MALFUNCTIONS, BREAKDOWNS OR STARTUPS

Section
 201.261
 201.262
 201.263
 201.264
 201.265

Contents of Request for Permission to Operate
 During a Malfunction, Breakdown or Startup
 Standards for Granting Permission to Operate
 During a Malfunction, Breakdown or Startup
 Records and Reports
 Continued Operation or Startup Prior to Granting
 of Operating Permit
 Effect of Granting of Permission to Operate
 During a Malfunction, Breakdown or Startup

POLLUTION CONTROL BOARD

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SUBPART J: MONITORING AND TESTING

Section
 201.281
 201.282
 201.283

Permit Monitoring Equipment Requirements
 Testing
 Records and Reports

SUBPART K: RECORDS AND REPORTS

Section
 201.301
 201.302

Records
 Reports

SUBPART L: CONTINUOUS MONITORING

Section
 201.401
 201.402
 201.403
 201.404
 201.405
 201.406
 201.407
 201.408

Continuous Monitoring Requirements
 Alternative Monitoring
 Exempt Sources
 Monitoring System Malfunction
 Excess Emission Reporting
 Data Reduction
 Retention of Information
 Compliance Schedules

Appendix A
 Appendix B
 Appendix C

Rule into Section Table
 Section into Rule Table
 Past Compliance Dates

AUTHORITY: Implementing Section 10 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111½, pars. 1010 and 1027)

SOURCE: Adopted as Chapter 2: Air Pollution, Part I: General Provisions, in R71-23, 4 PCB 191, filed and effective April 14, 1972; amended in R78-3 and 4, 35 PCB 75 and 243, at 3 Ill. Reg. 30, p. 124, effective July 28, 1979; amended in R80-5, at 7 Ill. Reg. 1244, effective January 21, 1983; codified at 7 Ill. Reg. 13579; amended in R82-1 (Docket A) at 10 Ill. Reg. 12628, effective July 7, 1986; amended in R87-38 at 13 Ill. Reg. 2066, effective February 3, 1989; amended in R89-7(A) at 13 Ill. Reg. 19444, effective December 5, 1989.

Section 201.405 Excess Emission Reporting

Owners and operators of sources subject to the continuous monitoring requirements of this Subpart shall report the following information: ten applicable to the source. The report

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

shall consist of emission averages in the units of the applicable limitation for each averaging period during which the limitation was exceeded:

- a) For periods of emissions in excess of any emission limitation applicable to the source adopted by the Board:
 - 1) The starting date and time of the excess emissions;
 - 2) The duration of the excess emissions;
 - 3) The magnitude of excess emissions;
 - 4) The cause of the excess emissions, if known;
 - 5) Corrective actions and actions taken to lessen the emissions;
 - 6) The operating status of the monitoring system, including the dates and times of any periods during which it was inoperative; and
 - 7) Other information, including but not limited to, monitoring location, monitoring maintenance records and source operating hours, which the Agency may require by permit.

- b) For gaseous sulfur dioxide, percent oxygen, or carbon dioxide measurements, the averaging period used for data reporting shall correspond to the averaging period used to determine compliance with the emission limitation applicable to the source. The report shall consist of emission averages in the units of the applicable limitation for each averaging period during which the limitation was exceeded.

- c) For opacity measurements, the report shall be based on six minute averages of opacity and contain.

- 1) The percent opacity for each continuous opacity excess period; and
- 2) The start and stop time in six minute increments of any opacity measurements in excess of the limitation.

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- d) If there were no excess emissions during the reporting period, the report shall so state and include information about the operating status of the monitoring equipment during that period.
- e) Reports shall be submitted within 45 days of the end of every calendar quarter.

(SOURCE: Amended at 13 Ill. Reg. 19444 effective Dec. 5, 1989)

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS1) Heading of Part:

Intermediate Care for the Developmentally Disabled Facilities Code

2) Code Citation:

77 Ill. Adm. Code 350

3) Section Numbers:350.680
350.685Adopted Action:Repeal, New Section
New Section4) Statutory Authority:

Nursing Home Care Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 4151-101 et seq., as amended by P.A. 85-1183, effective August 13, 1988, and P.A. 85-1378, effective September 1, 1988)

5) Effective Date of Amendments:

December 1, 1989

6) Does this Rulemaking contain an Automatic Repeal Date? No.7) Does this Rulemaking contain Incorporation by Reference? No.8) Date Filed in Agency's Principal Office:

December 1, 1989

9) Date Notice of Proposal Published in Illinois Register:

June 2, 1989 (13 Ill. Reg. 8293)

10) Has the Joint Committee on Administrative Rules issued a Statement of Objections to this Rulemaking? No.11) Difference Between Proposal and Final Version:

In response to questions from the Joint Committee on Administrative Rules, the Department has made the following changes in these amendments:

1. The first sentence of Section 350.680(d) was revised to read:
"During inspections of the facility, the Department will REQUIRE REQUIRE DEVELOPMENTAL DISABILITIES AIDES TO DEMONSTRATE COMPETENCY IN THE PRINCIPLES, TECHNIQUES, AND PROCEDURES covered by the

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

developmental disabilities aide training program curriculum described in the rules governing training programs for nursing assistants and aides (77 Ill. Adm. Code 395.310), when possible problems in the care provided by developmental disabilities aides or other evidences of inadequate training are observed."

2. In Section 350.685(b), the cross-reference "(see 77 Ill. Adm. Code 395.310)" was added after the phrase "developmental disabilities aide practices." In addition, the cross-reference "(see 77 Ill. Adm. Code 300.1210(b))" was added after the phrase "rehabilitation nursing."

The following substantive changes in the text of the amendments were made in response to public comments received during the first notice period:

1. Section 350.680(a)(1) was added to explicitly recognize aides who are currently employed by long-term care facilities and are registered on the Department's nurse aide registry. This provision reflects the statutory "grandfathering" provisions and the federal requirements for competency testing prior to July 1, 1990. This added provision reads as follows: "Provide documentation of registration on the Department's Nurse Aide Registry as of July 1, 1990, or later."

2. Section 350.680(a)(2) was revised to include references to the competency evaluation which is required by the new federal training requirements.

3. Several provisions concerning equivalencies to developmental disabilities aide training, which had been proposed in the new long-term care assistants and aides training program rules as Section 395.400(c), were revised and relocated in Section 350.680(a)(3) through (c) of these amendments. These provisions read as follows:

Provide documentation from another state of certification as a nursing assistant on or after January 1, 1990.

Provide documentation of successful completion of a developmental disabilities aide training course approved by another state as evidenced by a diploma or certificate. The documentation must demonstrate that the course is equivalent to, or exceeds, the requirements of the Department's rules governing long-term care assistant and aide training programs (77 Ill. Adm. Code 395).

Provide documentation of successful completion of a nursing arts course in an accredited nurse training program as evidenced by a diploma, certificate or other written verification from the school and successful completion of the Department approved nursing assistant competency examination.

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Provide documentation of successful completion of the Mental Health Technician Training Program conducted by the Department of Mental Health and Developmental Disabilities.

3. In Section 350.680(b), (c), and (d), statutory language was capitalized and statutory references were added to indicate language which has been quoted or paraphrased from the Nursing Home Care Act.
4. A new provision was added as Section 350.680(e) to refer to Section 395.200 of the rules for long-term care assistants and aides training programs. This provision requires facilities to notify the Department when they conduct a training program for aides. The added provision reads as follows: "A facility which conducts a training program for developmental disabilities aides shall comply with the applicable provisions of the Department's rules governing training programs for nursing assistants and aides (77 Ill. Adm. Code 395.200)."

Several typographical corrections were also made in response to questions from the Joint Committee on Administrative Rules and the Administrative Code Division. No other changes were made in the text of the amendments.

- 12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?

The Department has made all the changes to which it agreed with the Joint Committee on Administrative Rules.

- 13) Will this Rulemaking Replace an Emergency Rule Currently in Effect? No.

- 14) Are there any other Amendments Pending on this Part? No.

- 15) Summary and Purpose of Rules:

These amendments are part of an effort by the Department of Public Health to consolidate its rules concerning training programs for nursing assistants and aides in long-term care facilities. The consolidated requirements are contained in a new Part 395. This consolidation of the training program rules in Part 395 should facilitate public understanding of the requirements for nursing assistant training programs.

These amendments to Part 350, which governs the licensure of intermediate care facilities for the developmentally disabled, eliminate the provisions which are now included in Part 395. Most of the current text of Section 350.680 is being replaced and relocated into the new Part 395. The remaining provisions of Section 350.680 are limited to the facilities'

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

responsibility to insure that employed aides are qualified and have completed the required training. The provisions which concern the use of student interns are being incorporated into a new Section 350.685. No major substantive changes are being made in the actual content of these rules. Similar amendments to Parts 300, 330, and 390, which govern the licensure of other types of long-term care facilities, are also being adopted.

The Department believes that there will be little, if any, economic effect of these proposed amendments on the regulated public.

- 16) Information and Questions regarding these Adopted Amendments shall be directed to:

Mr. Robert John Kane
Division of Governmental Affairs
Illinois Department of Public Health
525 West Jefferson, Second Floor
Springfield, Illinois 62761
Telephone: (217) 782-6187

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIES

INTERMEDIATE CARE FOR THE DEVELOPMENTALLY DISABLED FACILITIES CODE

PART 350

SUBPART A: GENERAL PROVISIONS

Section	
350.110	General Requirements
350.120	Application for License
350.130	Licensee
350.140	Issuance of an Initial License for a New Facility
350.150	Issuance of an Initial License Due to a Change of Ownership
350.160	Issuance of a Renewal License
350.165	Criteria for Adverse License Actions
350.170	Denial of Initial License
350.175	Denial of Renewal of License
350.180	Revocation of License
350.190	Experimental Program Conflicting With Requirements
350.200	Inspections, Surveys, Evaluations and Consultation
350.210	Filing an Annual Attested Financial Statement
350.220	Information to Be Made Available to the Public By the Department
350.230	Information to Be Made Available to the Public By the Licensee
350.240	Municipal Licensing
350.250	Ownership Disclosure
350.260	Issuance of Conditional Licenses
350.270	Monitor and Receivership
350.272	Determination to Issue a Notice of Violation or Administrative Warning
350.274	Determination of the Level of a Violation
350.276	Notice of Violation
350.277	Administrative Warning
350.278	Plans of Correction
350.280	Reports of Correction
350.282	Conditions for Assessment of Penalties
350.284	Calculation of Penalties
350.286	Determination to Assess Penalties
350.288	Reduction or Waiver of Penalties
350.290	Quarterly List of Violators
350.300	Alcoholism Treatment Programs In Long-Term Care Facilities
350.310	Department May Survey Facilities Formerly Licensed
350.320	Waivers
350.330	Definitions
350.340	Incorporated and Referenced Materials

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

SUBPART B: ADMINISTRATION

350.510 Administrator

SUBPART C: POLICIES

350.610 Management Policies
350.620 Resident Care Policies
350.630 Admission and Discharge Policies
350.640 Contract Between Resident and Facility
350.650 Residents' Advisory Council
350.660 General Policies
350.670 Personnel Policies
350.675 Initial Health Evaluation for Employees
350.680 Developmental Disabilities Aides
~~Aide-Orderly-Program Aide-Program Technician and/or~~
~~Habilitation Aide Training Program~~
350.685 Student Interns
350.690 Disaster Preparedness
350.700 Serious Incidents and Accidents

SUBPART D: PERSONNEL

350.810 Personnel
350.820 Consultation Services
350.830 Personnel Policies

SUBPART E: RESIDENT LIVING SERVICES

350.1010 Service Programs
350.1020 Psychological Services
350.1030 Social Services
350.1040 Speech Pathology and Audiology Services
350.1050 Recreational and Activities Services
350.1060 Training and Habilitation Services
350.1070 Training and Habilitation Staff

SUBPART F: HEALTH SERVICES

350.1210 Health Services
350.1220 Physician Services
350.1225 Tuberculin Skin Test Procedures
350.1230 Nursing Services
350.1240 Dental Services
350.1250 Physical and Occupational Therapy Services

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

SUBPART G: MEDICATIONS

350.1410 Medication Policies and Procedures
350.1420 Conformance with Physician's Orders
350.1430 Administration of Medication
350.1440 Labeling and Storage
350.1450 Control of Narcotics and Legend Drugs

SUBPART H: RESIDENT AND FACILITY RECORDS

350.1610 Resident Record Requirements
350.1620 Content of Medical Records
350.1630 Confidentiality of Resident's Records
350.1640 Records Pertaining to Residents' Property
350.1650 Retention and Transfer of Resident Records
350.1660 Other Resident Record Requirements
350.1670 Staff Responsibility for Medical Records
350.1680 Retention of Facility Records
350.1690 Other Facility Record Requirements

SUBPART I: FOOD SERVICE

350.1810 Director of Food Services
350.1820 Dietary Staff in Addition to Director of Food Services
350.1830 Hygiene of Dietary Staff
350.1840 Diet Orders
350.1850 Adequacy of Diet and Meal Pattern
350.1860 Therapeutic Diets
350.1870 Scheduling Meals
350.1880 Menu Planning
350.1890 Food Preparation and Service
350.1900 Food Handling Sanitation
350.1910 Kitchen Equipment, Utensils, and Supplies

SUBPART J: MAINTENANCE HOUSEKEEPING AND LAUNDRY

350.2010 Maintenance
350.2020 Housekeeping
350.2030 Laundry Services

SUBPART K: FURNISHINGS, EQUIPMENT, AND SUPPLIES

350.2210 Furnishings
350.2220 Equipment and Supplies

DEPARTMENT OF PUBLIC HEALTH

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SUBPART L: WATER SUPPLY AND SEWAGE DISPOSAL

350.2410 Codes
350.2420 Water Supply
350.2430 Sewage Disposal
350.2440 Plumbing

SUBPART M: CONSTRUCTION STANDARDS FOR NEW INTERMEDIATE CARE FACILITIES FOR THE DEVELOPMENTALLY DISABLED

350.2610 Applicability of Standards
350.2620 Codes and Standards
350.2630 Preparation of Drawings and Specifications
350.2640 Site
350.2650 Administration and Public Areas
350.2660 Nursing Unit
350.2670 Dining, Living, Activities Rooms
350.2680 Therapy and Personal Care
350.2690 Service Departments
350.2700 General Building Requirements
350.2710 Structural
350.2720 Mechanical Systems
350.2730 Plumbing Systems
350.2740 Electrical Systems

SUBPART N: CONSTRUCTION STANDARDS FOR EXISTING INTERMEDIATE CARE FACILITIES FOR THE DEVELOPMENTALLY DISABLED

350.2910 Applicability
350.2920 Codes and Standards
350.2930 Preparation of Drawings and Specifications
350.2940 Site
350.2950 Administration and Public Areas
350.2960 Nursing Unit
350.2970 Living, Dining, Activities Rooms
350.2980 Treatment and Personal Care
350.2990 Service Departments
350.3000 General Building Requirements
350.3010 Structural
350.3020 Mechanical Systems
350.3030 Plumbing Systems
350.3040 Electrical Requirements

SUBPART O: RESIDENT'S RIGHTS

350.3210 General
350.3220 Medical and Personal Care Program

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350.3310
350.3320
350.3330

Restraints
Abuse and Neglect
Communication and Visitation
Resident's Funds
Residents' Advisory Council
Contract With Facility
Private Right of Action
Transfer or Discharge
Complaint Procedures
Confidentiality
Facility Implementation

SUBPART P: SPECIAL STANDARDS FOR INTERMEDIATE CARE FACILITIES
FOR THE DEVELOPMENTALLY DISABLED OF 15 BEDS OR LESS

Applicability of Other Provisions of this Part

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350.3730
350.3740
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350.3780
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350.3810
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350.3980
350.3990
350.4000
350.4010
350.4020

Administration
Admission and Discharge Policies
Personnel
Consultation Services and Nursing Services
Medication Policies
Food Services
Codes and Standards
Administration and Public Areas
Bedrooms
Nurses Station
Bath and Toilet Rooms
Utility Rooms
Living, Dining, Activity Rooms
Therapy and Personal Care
Kitchen
Laundry Room
General Building Requirements
Corridors
Special Care Room
Exit Facilities and Subdivision of Floor Areas
Stairways, Vertical Openings and Doorways
Hazardous Areas and Combustible Storage
Mechanical Systems
Heating, Cooling, and Ventilating Systems
Plumbing Systems
Electrical Systems
Fire Alarm and Detection System
Emergency Electrical System
Fire Protection
Construction Types
Equivalencies

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

350.4030

New Construction Requirements

SUBPART Q: DAY CARE PROGRAMS

350.4210

Day Care in Long-Term Care Facilities

APPENDIX A

Classification of Distinct Part of a Facility for Different Levels of Service

APPENDIX B

Federal Requirements Regarding Residents' Rights

APPENDIX C

Seismic Zone Map

APPENDIX D

Forms for Day Care in Long-Term Care Facilities

TABLE A

Sound Transmission Limitations in New Intermediate Care Facilities for the Developmentally Disabled

TABLE B

Pressure Relationships and Ventilation Rate of Certain Areas for the New Intermediate Care Facilities for the Developmentally Disabled

TABLE C

Construction Types and Sprinkler Requirements for Existing Intermediate Care Facilities for the Developmentally Disabled

TABLE D

Food Service Sanitation Rules and Regulations, 77 Ill. Adm. Code 750, 1983 Applicable for New Intermediate Care Facilities for the Developmentally Disabled at Fifteen (15) Beds or Less

TABLE E

Construction Types and Sprinkler Requirements for New Intermediate Care Facilities for the Developmentally Disabled of Fifteen (15) Beds or Less

TABLE F

Disaster Preparedness Parameters-Relative Humidity and Temperature.

AUTHORITY:

Implementing and authorized by the Nursing Home Care Act (Ill. Rev. St. 1987, ch. 111 1/2, par. 4151-101 et seq., as amended by ~~Public Act 85-968, effective December 9, 1987, P.A. Public Act 85-1183, effective August 13, 1988; and P.A. Public Act 85-1378, effective September 1, 1988).~~

SOURCE:

Emergency rules adopted at 4 Ill. Reg. 10, p. 495, effective March 1, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 30, p. 1, effective July 28, 1980; amended at 5 Ill. Reg. 1657, effective February 4, 1981; amended at 6 Ill. Reg. 5981, effective May 3, 1982; amended at 6 Ill. Reg. 6453, effective May 14, 1982; amended at 6 Ill. Reg. 8198, effective June 29, 1982; amended at 6 Ill. Reg. 14544, effective November 8, 1982; amended at 6 Ill. Reg. 14675, effective November 15, 1982; amended at 6 Ill. Reg. 15556, effective December 15, 1982; amended at 7 Ill. Reg. 278, effective January 28, 1983; amended at 7 Ill. Reg. 7963, effective July 1, 1983; amended at 7 Ill. Reg. 15817, effective November 15, 1983; amended at 7 Ill. Reg. 16984, effective December 14, 1983; amended at 8 Ill. Reg. 15574 and 15578 and 15581, effective August 15, 1984; amended at 8 Ill. Reg. 15935, effective August 17, 1984; amended at 8 Ill. Reg. 16980.

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effective September 5, 1984; codified at 8 Ill. Reg. 19806; amended at 8 Ill. Reg. 24214, effective November 29, 1984; amended at 8 Ill. Reg. 24680, effective December 7, 1984; amended at 9 Ill. Reg. 142, effective December 26, 1984; amended at 9 Ill. Reg. 331, effective December 28, 1984; amended at 9 Ill. Reg. 2964, effective February 25, 1985; amended at 9 Ill. Reg. 10876, effective July 1, 1985; amended at 11 Ill. Reg. 14795, effective October 1, 1987; amended at 11 Ill. Reg. 16830, effective October 1, 1987; amended at 12 Ill. Reg. 979, effective December 24, 1987; amended at 12 Ill. Reg. 16838, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18705, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 6040, effective April 17, 1989; amended at 13 Ill. Reg. 19451, effective December 1, 1989.

NOTE: Italics and capitalization denote statutory language.

SUBPART C: POLICIES

Section 350.680

Developmental Disabilities Aides
~~Aide, Orderly, Program Aide, Program Technician and/or~~
~~Habilitation Aide Training Program~~

a) Each of the facility's developmental disabilities aides shall comply with one of the following conditions no later than 45 days after the date of initial employment.

- 1) Provide documentation of registration on the Department's Nurse Aide Registry as of July 1, 1990, or later.
- 2) Enroll in a 120-hour developmental disabilities aide training program that has been approved by the Department under its rules governing training programs for nursing assistants and aides (77 Ill. Adm. Code 395) and pass the Department approved nursing assistant competency examination. The program coursework shall be successfully completed and the competency examination passed by the developmental disabilities aide no later than 120 days after the date of initial employment.
- 3) Provide documentation from another state of certification as a nursing assistant on or after January 1, 1990.
- 4) Provide documentation of successful completion of a developmental disabilities aide training course approved by

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Section 350.680(a)(4) (continued)

another state as evidenced by a diploma or certificate. The documentation must demonstrate that the course is equivalent to, or exceeds, the requirements of the Department's rules governing long-term care assistant and aide training programs (77 Ill. Adm. Code 395).

5) Provide documentation of successful completion of a nursing arts course in an accredited nurse training program as evidenced by a diploma, certificate or other written verification from the school and successful completion of the Department approved nursing assistant competency examination.

6) Provide documentation of successful completion of the Mental Health Technician Training Program conducted by the Department of Mental Health and Developmental Disabilities.

7) Register for the Department's developmental disabilities aide proficiency examination which must be successfully completed no later than 120 days after the date of initial employment.

b) Each person employed by the facility as a developmental disabilities aide shall meet each of the following requirements:

- 1) BE AT LEAST 16 YEARS OF AGE, OF TEMPERATE HABITS AND GOOD MORAL CHARACTER, HONEST, RELIABLE, AND TRUSTWORTHY. (Section 3-206(a)(1) of the Act)
- 2) BE ABLE TO SPEAK AND UNDERSTAND THE ENGLISH LANGUAGE OR A LANGUAGE UNDERSTOOD BY A SUBSTANTIAL PERCENTAGE OF THE FACILITY'S RESIDENTS. (Section 3-206(a)(2) of the Act)
- 3) PROVIDE EVIDENCE OF EMPLOYMENT OR OCCUPATION, IF ANY, AND RESIDENCE FOR TWO YEARS PRIOR TO INITIAL EMPLOYMENT AS A NURSING ASSISTANT. (Section 3-206(a)(3) of the Act)
- 4) HAVE COMPLETED AT LEAST EIGHT YEARS OF GRADE SCHOOL OR PROVIDE PROOF OF EQUIVALENT KNOWLEDGE. (Section 3-206(a)(4) of the Act)
- c) THE FACILITY SHALL CERTIFY THAT EACH DEVELOPMENTAL DISABILITIES AIDE EMPLOYED BY THE FACILITY MEETS THE REQUIREMENTS OF THIS SECTION. Such certification shall be retained by the facility as part of the employee's personnel record. (Section 3-206(d) and (e) of the Act)
- d) During inspections of the facility, the Department will REQUIRE DEVELOPMENTAL DISABILITIES AIDES TO DEMONSTRATE COMPETENCY IN THE

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Section 350.680(d) (continued)

PRINCIPLES, TECHNIQUES, AND PROCEDURES covered by the developmental disabilities aide training program curriculum described in the rules governing training programs for nursing assistants and aides (77 Ill. Adm. Code 395.310), when possible problems in the care provided by developmental disabilities aides or other evidences of inadequate training are observed. Failure to demonstrate competency of the principles, techniques and procedures SHALL RESULT IN THE PROVISION OF IN-SERVICE TRAINING TO THE INDIVIDUAL BY THE FACILITY. The in-service training shall address all of the developmental disabilities aide training principles, techniques, and procedures contained in the rules governing training programs for nursing assistants and aides (77 Ill. Adm. Code 395). (Section 3-206(a)(5) of the Act)

e) A facility which conducts a training program for developmental disabilities aides shall comply with the applicable provisions of the Department's rules governing training programs for nursing assistants and aides (77 Ill. Adm. Code 395.200).

a) Each facility shall ensure that all persons employed as Developmental Disabilities (DD) Aides comply with one of the following conditions within 45 days of initial employment: (B,C)

- 1) Enroll in a 120-hour Department of Public Health approved DD Aide Training Program. Such course shall be successfully completed within 120 days of initial employment.
 - 2) Enroll in a DD Aide Training Program offered by a Community College, which has been approved by both the Community College Board and the Department.
 - 3) Attend a recognized DD Aide Training Program registered with the Department and successfully complete the Department's proficiency examination.
 - 4) Successfully complete the Department's proficiency examination, or
 - 5) Prove exemption from training, by prior work experience as outlined in Section 3-206 of the Act; or successfully complete the Department of Mental Health and Developmental Disabilities Mental Health Technician Training Program as delineated in Executive Order 50.
- b) No person who meets the definition of student intern shall be required to complete a current course of training for DD Aides, or

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Section 350.680 (continued)

successfully complete the Department's proficiency examination. Interns may be utilized for the more basic DD Aide practices, but will not be allowed to provide rehabilitation nursing, in-bed bathing, assist with skin care, foot care, enemas or any medical procedure except under the direct, immediate supervision of a licensed nurse or certified DD Aide. No facility will be allowed to have more than 15% of its DD Aide work force composed of student interns. (B,C)

c) Aides, Orderlies, Program Aides, Program Technicians, and Habilitation Aides who would otherwise have been exempt from the requirement for a training course except that their service was interrupted because of attending school or college or because of a leave of absence for medical reasons, may qualify for exemption by passing a proficiency examination administered by the Department of Mental Health and Developmental Disabilities or its representative. Applications for such exemptions should include the person's name and address, starting date of employment, place of employment, dates of interrupted service, and reason for interrupted service (if reason is school, last school attended and dates of attendance), and should be sent to the Department of Mental Health and Developmental Disabilities, Regional Office of the region in which the facility is located.

d) Requests to establish equivalency shall be submitted to the Department with accompanying documentation. Equivalency shall be established by any one of the following:

- 1) Documentation of successful completion of a Developmental Disabilities (DD) training course approved by another state as evidenced by a diploma or certificate; (the applicant must document that the course is substantially equivalent to the provisions of Section 350.680(f) of this Part);
- 2) Documentation of successful completion of a nursing arts course in an accredited nurse training program as evidenced by a diploma, certificate or other written verification from the school;
- 3) Documentation of successful completion of a nurse aide training course approved by the Illinois Board of Education between March 1, 1979 and March 1, 1980, as evidenced by a diploma or certificate; or
- 4) Documentation of one year of employment as an aide or orderly in a facility with an interruption due to sick leave or

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Section 350.680 (continued)

- ~~education leave not exceeding six (6) weeks during the year ending March 1, 1980.~~
- ~~e) Criteria for a State Approved Developmental Disabilities (DD) Aide Training Program are as follows:~~
- ~~1) Application Procedures The following information must be furnished to the Department of Mental Health and Developmental Disabilities at least sixty (60) days in advance of the training program. Each facility providing its own training must apply for individual program approval. Retroactive approval will not be granted.~~
 - ~~2) Program rationale, i.e., philosophy, purpose, and brief summary that identifies sponsoring agency, and the qualifications of a curriculum coordinator who may be a Qualified Mental Retardation Professional or other person qualified by at least 2 years experience with Developmental Disabilities Programs with the specific approval of the Department of Mental Health and Developmental Disabilities. Instructors qualifications shall meet at least one of the following:~~
 - ~~A) Verification of successful completion of a train the trainer workshop approved by the Department of Mental Health and Developmental Disabilities.~~
 - ~~B) A Qualified Mental Retardation Professional approved as a trainer by the Department of Mental Health and Developmental Disabilities.~~
 - ~~C) At least one (1) year of experience with Developmental Disabilities Programs and approved by the Department of Mental Health and Developmental Disabilities.~~
 - ~~D) Have a valid Illinois teaching certificate; or~~
 - ~~E) Be a Community College approved instructor with at least one year of teaching experience.~~
 - ~~3) A) For the academic (classroom) component of training, a complete outline including program and course title; behavioral objectives that the learner is expected to know or do; content outline and teaching methods is required.~~

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Section 350.680 (continued)

- ~~B) For the on the job training component of training, a completed itemization of written training tasks (analogous to behavioral objectives) and specified training behaviors that comprise a task (analogous to a content outline) is required.~~
- ~~4) Location and scheduled dates of program (including future dates). If programs are cancelled or rescheduled for any reason, the Department of Mental Health and Developmental Disabilities must be notified prior to delivery date for purposes of monitoring.~~
 - ~~5) A copy of the evaluation tool must be included. The evaluation tool must evaluate the objectives, content, on the job performance evaluation and instructors.~~
 - ~~6) Submitted materials will be reviewed by the Department of Mental Health and Developmental Disabilities. The Department of Mental Health and Developmental Disabilities will submit recommendations to the Department. The Department will make the final decision and the program sponsor will be notified of the Department's action. Approval will be based upon compliance with the provisions of this section. If the program is not approved, the reason for this decision will be given in writing to the program sponsor.~~
 - ~~7) If a program is not approved, the program sponsor may, after making the appropriate modifications, reapply for approval.~~
 - ~~8) The basic content shall be presented in a minimum time frame of three (3) weeks, but not to exceed a maximum of one hundred twenty (120) days unless it is being done by a recognized educational institution on a term, semester, or trimester basis. Each trainee shall receive one hundred twenty (120) hours of in service training. A ratio of two (2) hours on the job training to one (1) hour of classroom training including role playing, case studies, demonstrations, lectures, self study must be reflected in the one hundred twenty (120) hours minimum of training. The following requirements shall be met for on the job training (OJT):~~
 - ~~A) OJT training tasks shall be identified and written that specify what training behaviors the trainee is required to perform.~~

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Section 350.680 (continued)

- ~~B) Each task shall have the required steps necessary for successful completion of the task specified in writing.~~
- ~~C) QJI task specified behaviors shall be taught by a qualified instructor.~~
- ~~D) Evaluation of all QJI tasks shall be by direct observation by the instructor.~~
- ~~E) A recording form indicating the date of successful completion of all QJI tasks shall be filled out and kept in the file at the facility.~~
- ~~9) Term, semester and trimester courses may be submitted by an educational institution. The program must include designated hours for QJI and evidence of agency agreements.~~
- ~~10) The approval process is not intended to place special emphasis on the sequence of subject presentation nor to be contingent upon the category of topic headings under which functional subjects are presented.~~
- ~~11) Orientation to the specific policies of the employing agency shall be in addition to the one hundred twenty (120) hours of instruction.~~
- ~~12) Any change in content, objectives, or instructional staff must be submitted to the Department of Mental Health and Developmental Disabilities for review. Approval of any change will be made in accordance with Section 350.680 (e) (6) of this Part.~~
- ~~13) All approved training programs must be reviewed by the Department of Mental Health and Developmental Disabilities on an annual basis for continued approval. The Department of Mental Health and Developmental Disabilities shall notify the Department of continued approval or disapproval. In the review process, reference will be made to the number previously assigned to the program by the Department.~~
- ~~f) Course Requirements The Basic Training Program for DD Aides shall include, at a minimum:~~
 - ~~1) Orientation~~

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Section 350.680 (continued)

- ~~A) Functions of long term care facilities for the developmentally disabled~~
- ~~B) The health care professions, support services for the developmentally disabled and community social service agencies~~
- ~~C) Philosophy of residential care~~
- ~~D) Role of the interdisciplinary team~~
- ~~E) Job duties and responsibilities of the DD Aide~~
- ~~2) Introduction to the Residents~~
 - ~~A) Communication and interpersonal relationships with residents, families and others~~
 - ~~B) Psychosocial needs of residents and their family~~
 - ~~C) The growth and development process~~
 - ~~D) Characteristics and types of developmental disabilities~~
 - ~~E) Resident's adjustment to death and dying~~
- ~~3) Fundamentals of Habilitation Planning~~
 - ~~A) Philosophy of achieving independent living skills~~
 - ~~B) Introduction to the individual habilitation plan including the role of the employee in the habilitation process~~
 - ~~C) Habilitation plan assessment procedures and goal planning~~
 - ~~D) The role of the employee in the admission, transfer and discharge processes~~
 - ~~E) The role of the employee in basic resident care planning and procedures~~
- ~~4) Techniques of Habilitation Planning and Implementation The role of the employee in social habilitation, including:~~
 - ~~A) Activities of daily living (ADL)~~

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Section 350.680 (continued)

- ~~B) Therapeutic and leisure time activities --~~
- ~~C) Education --~~
- ~~D) Community living adjustment --~~
- ~~E) Behavior development --~~
- ~~F) Behavior control --~~
- ~~G) Effect of drugs in behavior management --~~
- ~~H) Total communication --~~
- ~~I) Pre vocational and vocational training --~~
- ~~J) Nutrition and fluid intake --~~
- ~~K) Diets and therapeutic diets --~~
- ~~5) Principles of Record Keeping --~~
 - ~~A) History and use of facility records with special emphasis --~~
~~on the role of the employee in the record keeping process --~~
 - ~~B) Content and organization of resident records --~~
 - ~~C) Recording methods for progress notes, universal notes, ADC --~~
~~notes and habilitation reviews --~~
 - ~~D) Writing effective progress notes --~~
 - ~~E) Confidentiality --~~
 - ~~F) Recording admission, transfer and discharge information --~~
- ~~6) Safety --~~
 - ~~A) Basic fire safety --~~
 - ~~B) Emergency and disaster procedures --~~
 - ~~C) Injury prevention techniques --~~
 - ~~D) Household daily safety procedures including body --~~

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Section 350.680 (continued)

- ~~mechanics --~~
- ~~7) Facility Environment --~~
 - ~~A) Creating normalized environment for daily living --~~
~~activities --~~
 - ~~B) Importance of cleanliness of the facility, use of --~~
~~equipment and supplies --~~
 - ~~8) Principles of Disease Control --~~
 - ~~A) Introduction to micro organisms causing resident illness --~~
~~and disease --~~
 - ~~B) Teaching of disinfection and sanitation --~~
 - ~~9) Emergency Medical Procedures --~~
 - ~~A) CPR --~~
 - ~~B) Seizures --~~
 - ~~C) Drug reactions --~~
 - ~~D) Traumas --~~
 - ~~E) Heimlich maneuver --~~
 - ~~10) Resident Rights --~~
 - ~~A) Basic civil, human and legal rights of residents --~~
 - ~~B) Protection of residents personal property --~~
 - ~~11) Bodily Functions --~~
 - ~~A) Helping residents to understand their body functions --~~
 - ~~B) Personal hygiene --~~
 - ~~C) Human sexual behavior --~~
 - ~~g) Evaluation --~~
~~Upon successful completion of the Basic Developmental Disabilities --~~

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Section 350.680 (continued)

Section 350.680 (continued)

- ~~(DD) Aide training program, the student must show competency of nursing, personal care and rehabilitative skills by return demonstration as well as pass a written examination encompassing theory and skills taught.~~
- ~~h) Monitoring--~~
 - ~~The Department shall on a random basis monitor the training program. If a monitor finds the training to be inadequate relative to the materials submitted to the Department's Review Committee, a program approval may be rescinded.~~
- ~~i) Certificates--~~
 - ~~1) Proof of successful completion of the approved program necessitates the sponsoring organization to award certificates to the trainees. Certificates must be sent to the Department where they will be validated. A list of names, with Social Security numbers, course completion date, and program approval number, must accompany submitted certificates. The Department will return the certificates to the sponsor(s) for distribution.~~
 - ~~2) The following minimum information must be typed on the certificates before they are sent to the Department for validation:~~
 - ~~A) Name of the trainee and Social Security number.~~
 - ~~B) Title: Basic Developmental Disabilities (DD) Aide Training Program.~~
 - ~~C) Identification number of the program assigned by the Department.~~
 - ~~3) Successful completion of the course does not imply "certification" of the DD aide by the State. It only indicates that the person has successfully completed the Basic Developmental Disabilities (DD) Aide training program and can be employed by licensed long-term care facilities as a DD Aide.~~
 - ~~j) Application for approval of programs--~~
 - ~~Requests for approval of programs and other related correspondence are to be submitted to:~~

- ~~Illinois Department of Public Health~~
- ~~Office of Health Regulation~~
- ~~525 West Jefferson Street~~
- ~~Springfield, Illinois 62761~~

~~It will not be necessary for any course, currently approved under criteria in effect at the time these revised criteria for Basic Developmental Disabilities (DD) Aide training programs become effective, to make any changes in program content until such time as a review by the Department indicates the revisions to the program content are needed to keep the program in compliance with the rules. Any program determined to need changes will be notified, in writing, by the Department. Unless and until such written notification is received, there is no need to contact the Department concerning continued approval of a program.~~

~~k) Recognized Training Program--~~

- ~~1) Any licensed long-term care facility may teach a recognized training program for DD Aides which can be individualized for each employee and can be taught by any person or persons in the facility.~~
- ~~2) Any DD Aide who attends a recognized training program must successfully pass the Department's proficiency examination before being permitted to function as a DD Aide.~~
- ~~3) Recognized training programs shall be registered with the Department by letter, and must state that, as a minimum, the course content in subsection d) will be taught in whole or in part, give the name of the instructor and give notice that the program is operational.~~
- ~~4) Recognized training programs must, as a minimum, provide all or part of the course content of an approved Department training program (see subsection d), above).~~
- ~~l) Proficiency Examination for DD Aide--~~
 - ~~1) Any person employed as a DD Aide, may elect and request to take a proficiency examination in lieu of a course of training as required under Section 3-206 (a) (5) of the Act.~~
 - ~~2) The person must meet the requirements of Section 3-206 (a) (1) (4) of the Act and be or will be employed as a DD Aide.~~

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Section 350.680 (continued)

- ~~3) A completed application must be presented at the time of the examination on forms provided by the Department.~~
- ~~4) The proficiency examination will be offered monthly in each of the Department's Regions. A list of test sites, dates and times can be obtained by calling the Department at (217) 785-5133.~~
- ~~5) The examination will consist of written questions from the approved curriculum (see subsection d, above). An examinee must score 70% or more on each section in order to successfully pass the examination. Notice of Pass or Fail will be sent to the examinee and the employer. Only those sections previously failed must be retaken during subsequent attempts to pass the entire proficiency examination.~~
- ~~6) An examinee who fails the proficiency examination three (3) times within the first one hundred twenty (120) days of employment must enroll in and complete an approved course of instruction in order to become a DD Aide, in accordance with Section 3-206 of the Act.~~

(Source: Section repealed, new Section adopted at 13 Ill. Reg. 19451 effective December 1, 1989)

Section 350.685 Student Interns

- a) No person who meets the definition of student intern in Section 350.330 shall be required to complete a current course of training for developmental disabilities aides, or successfully complete the Department's proficiency examination.
- b) The facility may utilize interns to perform basic developmental disabilities aide practices (see 77 Ill. Adm. Code 395.310), but shall not allow interns to provide rehabilitation nursing (see 77 Ill. Adm. Code 300.1210(b)), in-bed bathing, assistance with skin care, foot care, enemas, or any medical procedure, except under the direct, immediate supervision of a licensed nurse or certified developmental disabilities aide.
- c) No facility shall have more than fifteen percent of its developmental disabilities aide staff positions held by student interns.

(Source: Added at 13 Ill. Reg. 19451, effective December 1, 1989)

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1) Heading of Part:

Long-Term Care Assistants and Aides Training Programs Code

2) Code Citation:

77 Ill. Adm. Code 395

3) Section Numbers:

395.100, 395.110, 395.120, 395.130, New Section
395.140, 395.150, 395.160, 395.170, New Section
395.180, 395.190, 395.200, 395.300, New Section
395.310, 395.320, 395.400 New Section

Adopted Action:4) Statutory Authority:

Nursing Home Care Act, especially Section 3-206 (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 4151-101 et seq., especially par. 4153-206, as amended by P.A. 85-1183, effective August 13, 1988; and P.A. 85-1378, effective September 1, 1988)

5) Effective Date of Rules:

December 1, 1989

6) Does this Rulemaking contain an Automatic Repeal Date? No.7) Does this Rulemaking contain Incorporation by Reference? No.8) Date Filed in Agency's Principal Office:

December 1, 1989

9) Date Notice of Proposal Published in Illinois Register:

December 2, 1988 (12 Ill. Reg. 19927)

10) Has the Joint Committee on Administrative Rules issued a Statement of Objections to this Rulemaking? No.11) Difference Between Proposal and Final Version:

In response to questions from the Joint Committee on Administrative Rules, the Department has made the following changes in these rules:

1. Section 395.120(b)(2) was revised to read: "Grant approval of the

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proposed program contingent on the receipt of additional materials, or revisions, needed to remedy any minor deficiencies in the application or proposed program, which would not prevent the program from being implemented, such as deficiencies in the number of hours assigned to cover different areas of content which can be corrected by submitting a revised schedule or outline."

2. Section 395.120(b)(3) was revised to read: "Deny approval of the proposed program based on any major deficiencies in the application or proposed program, which would prevent the program from being implemented, such as deficiencies in the qualifications of instructors or missing areas of content."
3. The phrase "at least one course in" was added in Section 395.160(a)(2)(D) after the word "includes."
4. The phrase "or college" was added in Section 395.160(c)(2)(E) after the words "community college."
5. Section 395.160(c)(1) was revised to read: "The curriculum coordinator must be a qualified mental retardation professional as defined at 77 Ill. Adm. Code 350.330."
6. The first sentence of Section 395.180(a) was revised to read: "The Department will monitor the operation of approved training programs through on-site visits and other monitoring activities, such as written inquiries, reviews of success rates on competency examinations, and questionnaires."
7. The following cross-reference was added at the end of Section 395.160(b)(2)(B): "(see Section 395.300(r) and (s))."
8. The word "recognized" was replaced in the heading of Section 395.200 with the word "other." The word "recognized" was deleted in Section 395.200(a) and (b). In Section 395.200(c), the phrase "recognized training program" was replaced with the phrase "training program conducted by a facility."
9. The objective stated in Section 395.300(a)(5) was revised to read: "Upon completion of this unit of instruction, the student will meet expectations of facilities by being able to."
10. Section 395.300(a)(6)(B) was revised to read: "Develop an understanding of the why's of patient care, such as infection control, safety, and residents' rights."
11. The objective stated in Section 395.300(a)(7) was revised to read:

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"Upon completion of this unit of instruction, the student will meet expectations of facilities by being able to."

12. Section 395.300(d)(2)(B) was revised to read: "Identify and apply facility's procedures for safety, fire and disaster."
 13. The following language was added at the end of Section 395.160(v)(1)(3) to define the term "sundowning": "(increasing intensity of symptoms during evening hours)."
 14. The following language was added at the end of Section 395.160(y)(1) to define the term "sandwich generation": "(individuals caring for both their children and their elderly parents)."
 15. Section 395.400(e)(1) was revised to read: "Identification, which includes a photograph of the individual, such as driver's license, non-driver's Illinois identification card, employee identification card, or school identification card."
 16. The following provision was added in Section 395.400(f): "(except in the case of an emergency which prohibits the individual from providing such advance notice, provided that the individual notifies the Department no later than five days after the exam)."
- The following changes in the text of the proposed rules were made in response to public comments received during the first notice period:
1. All references to Psychosocial Program Assistant Training Programs were deleted from the rules, including the entire text of Section 395.330, which outlined the required curriculum for this type of training program. This program was deleted from the proposed rules based on the Department's decision to withdraw the proposed rules for Residential Rehabilitation Facilities.
 2. A reference to hospitals was added to Section 395.100(c), since hospitals may also conduct training programs.
 3. In Section 395.140(b)(2) the time period for review of requests for activation of inactive training programs was changed from 45 days to 60 days. This change makes the time period for review of programs consistent.
 4. Section 395.150(a)(1) was amended to reduce the minimum length of nurse aide training programs from 132 hours to 120 hours. The current minimum requirement is 120 hours, but the Department had proposed increasing the minimum requirement to 132 hours to accommodate an additional 12 hours of training in Alzheimer's

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Disease and related disorders. The Department has returned this minimum requirement to 120 hours. The Department believes that training programs can condense or combine other portions of the training curriculum to include the additional 12 hours of training in Alzheimer's Disease and related disorders within the 120 hours.

5. In Section 395.150(a)(1) and (b)(1), the maximum time period for training programs was returned to 155 hours, which is the current maximum. The proposed rules would have increased the maximum to 167 hours.
6. In Section 395.150(a)(3) the following language was deleted:
"covering the areas described in Section 395.300(a) through (q)."
The change in the minimum length of the nurse aide training programs renders this language unnecessary.
7. Section 395.160(a)(1) was changed to include a requirement for two years experience for instructors of training courses. This change was made to insure that these requirements correspond as closely as possible to new federal requirements for training programs for nursing aides. The added language reads as follows:

After January 1, 1990, instructors shall be required to have two years of experience in one or both of the following areas:
A) Teaching an approved Basic Nursing Assistant Program or Basic Child Care/Habilitation Aide Training Program, between July 1, 1985, and January 1, 1990.
B) Caring for the elderly or for the chronically ill of any age through employment in a nursing facility, extended care unit, geriatrics department, chronic care unit, or other long-term care setting.

8. In Section 395.160(a)(2)(A) the phrase "not a provisional certificate" was added to clarify the meaning of the requirement for a valid Illinois teaching certificate.
9. In Section 395.170(d) the phrase "reference to the fact that" was changed to "a statement that" to clarify the provision.
10. Language was added to Section 395.180(a) to reflect the new federal requirements for nurse aide training programs which require periodic reviews of these programs by the Department. The following language was added to this provision:

The Department will conduct an on-site visit during the first year of the operation of each newly approved training program. The Department will conduct on-site visits at least every two

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years for all training programs. The proportion of the training program's students who successfully complete the competency evaluation will be considered by the Department in determining the need for on-site visits and other monitoring activities.

11. The phrase "conducted by facilities" was added to the heading of Section 395.200.
12. Module XI of the basic nurse aide training program curriculum requirements, which is outlined in Section 395.300(k) of the proposed rules, was amended by the addition of training in measuring height and weight. Specifically, "measuring height and weight" was added as subsection (k)(1)(F) and "demonstrate how to accurately measure and record height and weight" was added as subsection (k)(2)(D). This change reflects the new federal requirements for training programs.
13. A new module was added to the nurse aide training curriculum as Section 395.300(aa). This module covers training in cardiopulmonary resuscitation. The additional language reads as follows:

Module XXVII -- Cardiopulmonary Resuscitation. Objective: Upon completion of this unit of instruction, the student will be able to initiate basic cardiopulmonary resuscitation. After the training, certification in the provision of basic life support by an American Heart Association or American Red Cross certified training program may be offered as an option for this unit, but such certification is not a pre-requisite for the student's satisfactory completion of this unit of instruction.
14. Section 395.400, which outlined requirements for equivalency, was deleted from these proposed rules. The contents of this section were revised and relocated in the proposed amendments to Part 300 (skilled nursing and intermediate care facilities), Part 330 (sheltered care facilities), Part 350 (intermediate care facilities for persons with developmental disabilities), and Part 390 (long-term care for persons under age 22). These provisions are more appropriately included in the rules regulating facilities, rather than in the rules governing training programs.
15. In Section 395.410(b) [renumbered as 395.400(b)], the phrase "monthly in each of the Department's regions" was deleted. This change was made because the new federal competency testing requirements reduce the need for such frequent proficiency tests.
16. Section 395.410(g)(3) [renumbered as 395.400(g)(3)], which referred to a child care/habilitation aide proficiency examination was

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deleted. Other references in Section 395.410 (renumbered as 395.400) to this examination were also deleted. The Department has not developed a child care/habilitation aide proficiency examination.

Several typographical corrections were also made in response to questions from the Joint Committee on Administrative Rules and the Administrative Code Division. No other changes were made in the text of the proposed rules.

- 12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?

The Department has made all the changes to which it agreed with the Joint Committee on Administrative Rules.

- 13) Will this Rulemaking Replace an Emergency Rule Currently in Effect? No.

- 14) Are there any other Amendments Pending on this Part? No.

- 15) Summary and Purpose of Rules:

The Department is adopting this Part to consolidate the provisions concerning required training programs for nurses' aides, nursing assistants, and other aides and assistants in long-term care facilities. These provisions were previously contained in the separate sets of rules governing the licensure of various types of long-term care facilities. The consolidation of these rules will facilitate public understanding of the requirements for individuals to be certified as long-term care aides and assistants and the requirements for approval and operation of training programs.

Related amendments to the rules governing the licensure of long-term care facilities will clarify the facilities' responsibilities related to the hiring and use of aides and assistants. Training programs covered by these rules include Basic Nursing Assistant Training Programs, Developmental Disabilities Aide Training Programs, Basic Child Care/Habilitation Aide Training Programs, and Psychosocial Program Assistant Training Programs.

Basic Nursing Assistant Training Programs provide training for individuals who are employed by Skilled Nursing and Intermediate Care Facilities which are licensed under 77 Ill. Adm. Code 300 and by Sheltered Care Facilities which are licensed under 77 Ill. Adm. Code 330. Developmental Disabilities Aide Training Programs provide training for individuals who are employed by Intermediate Care Facilities for the Developmentally Disabled which are licensed under 77 Ill. Adm. Code 350.

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Basic Child Care/Habilitation Aide Training Programs provide training for individuals who are employed by Long-Term Care Facilities for Persons under Age 22 which are licensed under 77 Ill. Adm. Code 390. Amendments to each of these sets of licensing rules are being adopted.

These rules also include provisions which are designed to implement a new statutory requirement for a 12-hour training program for nursing assistants in facilities which admit persons who are diagnosed as having Alzheimer's disease or related dementias. This program has been added to the Basic Nursing Assistant Training Program.

Subpart A details the training program application and approval process. Training programs may be sponsored by community colleges, other public schools, private vocational or business schools approved by the State Board of Education, or facilities licensed under the Nursing Home Care Act or the Hospital Licensing Act. Section 395.110 outlines the steps program sponsors must take to be granted departmental approval of their training program. This involves the submission of an application which must include an outline of the content and implementation of the course and information regarding the program sponsor, instructor and sites of instruction, both classroom and clinical. The application must also include a copy of the tools to be used in evaluating various aspects of the program.

Section 395.120 outlines the application review process. Every application for initial program approval will be reviewed by the Department of Public Health. The Department of Mental Health and Developmental Disabilities will make recommendations concerning the approval of Developmental Disabilities Aide Training Programs. Approval of programs must be renewed each year as outlined in Section 395.130.

Section 395.140 contains provisions for the voluntary or involuntary placement of a program on inactive status. Section 395.150 outlines basic standards for the length of the program. Section 395.160 outlines the minimum requirements for course instructors in the different programs. Section 395.170 deals with program operation requirements. It requires the program, after evaluating the students' mastery of the course material through both written examinations and hands-on demonstrations, to submit to the Department a certificate for all trainees demonstrating competence in the course content as well as a composite list of all such trainees. Certificates will be returned for distribution to the trainees.

Provisions concerning the monitoring of training programs by the Department are outlined in Section 395.180 and include on-site visits. The Department may determine through such monitoring activities that approval for a program failing to meet any program requirements should be

suspended or revoked and will initiate action to do so. Section 395.190 outlines the procedures and conditions under which the Department may suspend, revoke or deny program approval. Program sponsors may appeal such actions and request a hearing within ten days after notification of such actions.

Other training programs may be conducted by any licensed long-term care facility for nursing assistants as outlined in Section 395.200. Such programs may be individualized for each employee and may be taught by any person in the facility. The Department must be notified of such programs in writing. Nursing assistants attending such programs must successfully pass the Department's proficiency examination.

Subpart B outlines the curricula requirements for each of the training programs. Section 395.300 details the requirements for the content of the Basic Nursing Assistant Training Program, including new requirements for training in Alzheimer disease and related dementias. Section 395.310 covers the content of the Developmental Disabilities Aide Training Program. The required content of the Basic Child Care/Habilitation Aide Training Program is outlined in Section 395.320.

Subpart C covers the provisions relating to proficiency examinations. Section 395.400 outlines the procedures for the proficiency examination option. This section also specifies the content of the examination and the requirements for successful completion of the examination.

16) Information and Questions regarding these Adopted Rules shall be directed to:

Mr. Robert John Kane
Division of Governmental Affairs
Illinois Department of Public Health
525 West Jefferson, Second Floor
Springfield, Illinois 62761
Telephone: (217) 782-6187

The full text of the Adopted Rules begins on the next page:

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER C: LONG-TERM CARE FACILITIES

PART 395

LONG-TERM CARE ASSISTANTS AND AIDES TRAINING PROGRAMS CODE

SUBPART A: PROGRAM APPLICATION AND APPROVAL PROCESS

Section
395.100
395.110
395.120
395.130
395.140
395.150
395.160
395.170
395.180
395.190
395.200

Program Sponsor
Application for Initial Program Approval
Application Review Process
Annual Renewal of Program Approval
Inactive Status
Timeframe Requirements
Instructor Requirements
Program Operation Requirements
Department Monitoring
Denial, Suspension, and Revocation of Program Approval
Other Programs Conducted by Facilities

SUBPART B: TRAINING PROGRAM CURRICULA REQUIREMENTS

395.300
395.310
395.320

Basic Nursing Assistant Training Program
Developmental Disabilities Aide Training Program
Basic Child Care/Habilitation Aide Training Program

SUBPART C: PROFICIENCY EXAMINATION

395.400

Proficiency Examination

AUTHORITY:

Implementing and authorized by the Nursing Home Care Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 4151-101 et seq., as amended by P.A. 85-1183, effective August 13, 1988; and P.A. 85-1378, effective September 1, 1988).

SOURCE: Adopted at 13 Ill. Reg. 19474, effective December 1, 1989.

SUBPART A: PROGRAM APPLICATION AND APPROVAL PROCESS

Section 395.100 Program Sponsor

Training program sponsors may be any one of the following:

- a) A community college or other public school operated by the state of Illinois or unit of local government.

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Section 395.100 (continued)

- b) A private vocational or business school as defined in the Private Business and Vocational Schools Act (Ill. Rev. Stat. 1987, ch. 144, par. 136 et seq.), which holds a valid certificate of approval issued by the State Board of Education under rules entitled "Private Business and Vocational Schools" (23 Ill. Adm. Code 451).
- c) A facility licensed by the Department of Public Health under the Nursing Home Care Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 4151-101 et seq.; as amended by P.A. 85-1183, effective August 13, 1988; and P.A. 85-1378, effective September 1, 1988) or under the Hospital Licensing Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 142 et seq.).

Section 395.110 Application for Initial Program Approval

- a) The program sponsor shall submit a separate application for initial program approval for each training program and for each program site.
- b) The program sponsor shall submit an application for initial program approval to the Department of Public Health (Department) at least sixty days in advance of the scheduled beginning of the training program. The program sponsor shall not offer the training program prior to receipt of written approval of the program from the Department. The Department will not grant retroactive approval of training programs.
- c) The application for program approval shall include at least the following information about the proposed program:
 - 1) A statement of whether the training program being proposed is a:
 - A) Basic Nursing Assistant Training Program,
 - B) Developmental Disabilities Aide Training Program, or
 - C) Basic Child Care/Habilitation Aide Training Program.
 - 2) A description of the program sponsor. If the program sponsor is a private business or vocational school, a copy of the sponsor's certificate of approval issued by the State Board of Education shall be included.
 - 3) A statement of the program rationale, including the philosophy and purpose of the program.

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Section 395.110(c) (continued)

- 4) An outline containing the methodology, content, and objectives for the training program.
 - A) The outline shall indicate the number of hours that will be dedicated to each component of the training program. This outline shall not preclude the instructor from varying the order of presentation of the outlined course components.
 - B) The outline shall address each of the required curricula content requirements contained in Section 395.300 (Basic Nursing Assistant Training Program), Section 395.310 (Developmental Disabilities Aides Training Program), or Section 395.320 (Basic Child Care/Habilitation Aide Training Program).
- 5) A master schedule for the training program, which shall include at least the following:
 - A) The location, classroom designation, and scheduled dates of the training program.
 - B) The allocation of the total hours of instruction between theory and clinical instruction.
 - C) Identification of theory and clinical practice instructors, content delineated by hour, and whether the instruction for each hour is theoretical or clinical.
- 6) Resumes describing the education, experience, and qualifications of each program instructor.
- 7) Any clinical site agreements for the use of facilities and equipment which is not owned or operated by the program sponsor. Such agreements shall be signed by the owner or operator of the facilities or equipment and shall include the dates such facilities or equipment will be used, and a description of the classrooms, laboratory, clinical training equipment, and any other facilities or equipment which will be used in the program.
- 8) A copy of the evaluation tools that will be used to evaluate the following aspects of the training program:
 - A) Training program objectives.

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Section 395.110(c)(8) (continued)

- B) Training program content.
- C) Clinical performance.
- D) Training program instructors.
- d) The program sponsor shall submit the application for initial approval of a training program to the Department at the following address:

Illinois Department of Public Health
Office of Health Regulation
Education and Training Section
525 West Jefferson Street
Springfield, Illinois 62761
- e) No changes will be required in the program content of any training program, which was approved under rules in effect at the time of the adoption of amended rules, until a review by the Department indicates that revisions to the program content are needed to keep the program in compliance with the amended rules.

Section 395.120 Application Review Process

- a) Each application for initial program approval will be reviewed by the Department. Comments and recommendations from the Department of Mental Health and Developmental Disabilities regarding applications for approval of Developmental Disabilities Aide Training Programs will be considered by the Department.
- b) The Department will evaluate the application and proposed program for conformance to the program requirements contained in this Part. Based on this review, the Department will take one of the following actions regarding the application:
 - 1) Grant approval of the proposed program.
 - 2) Grant approval of the proposed program contingent on the receipt of additional materials, or revisions, needed to remedy any minor deficiencies in the application or proposed program, which would not prevent the program from being implemented, such as deficiencies in the number of hours assigned to cover different areas of content which can be corrected by submitting a revised schedule or outline.
 - 3) Deny approval of the proposed program based on any major

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Section 395.120(b)(3) (continued)

- deficiencies in the application or proposed program, which would prevent the program from being implemented, such as deficiencies in the qualifications of instructors or missing areas of content.
- c) When the Department finds that an application or proposed program fails to comply with the program requirements contained in this Part, the Department will notify the sponsor in writing of the nature of the deficiencies, and will request additional materials, or revisions, needed to remedy deficiencies in the application or proposed program.
 - d) When the Department finds that an application and proposed program, along with any additional materials and revisions which have been submitted, complies with the program requirements contained in this Part, the Department will issue a written notice of program approval to the program sponsor.
 - e) The Department will issue an identification number to each approved training program. The sponsor shall reference that number in any correspondence to the Department about the program.

Section 395.130 Annual Renewal of Program Approval

- a) Each year the Department will review each approved training program for renewal of the program approval.
- b) The program renewal review shall include consideration of each of the following:
 - 1) The master schedule for the program as outlined in Section 395.110(c)(5).
 - 2) Any clinical site agreements as outlined in Section 395.110(c)(7).
 - 3) Any other information required in Section 395.110(c) which has changed since the Department granted initial program approval or since the previous renewal of the program approval.
- c) The Department of Mental Health and Developmental Disabilities will review applications for program renewal and will recommend to the Department continued approval or disapproval of Developmental Disabilities Aide Training Programs.

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Section 395.140 Inactive Status

- a) The Department shall place an approved program on inactive status upon receipt of a written request from the program sponsor for such action. Absence of program activity during the program approval year shall also result in placement of a program on inactive status.
- b) To return an approved program to active status, the sponsor of the program shall submit a written request to the Department.
 - 1) The request for return to active status shall include the master schedule for the program and each of the other items required for a request for program renewal under Section 395.130(b).
 - 2) The request for return to active status must be submitted no less than 60 days prior to the scheduled beginning of the program.

Section 395.150 Timeframe Requirements

- a) Timeframe Requirements for Basic Nursing Assistant Training Programs
 - 1) Each program shall include a minimum of 120 hours of instruction, excluding breaks, lunch, and any orientation to the specific policies of the employing facility. A program may include a maximum of 155 hours of instruction.
 - 2) The basic program content shall be presented in a minimum timeframe of three weeks, but cannot exceed 120 days, unless the training program is conducted by a community college or other educational institution on a term, semester, or trimester basis.
 - 3) There shall be a ratio of two hours of theory, including supervised laboratory, to each hour of supervised clinical practice instruction. This ratio applies only to the minimum required 120 hours of instruction.
 - 4) A minimum of 12 hours of instruction related to Alzheimer's disease and related dementias, as described in Section 395.300(r) through (z), shall be included in each program, excluding breaks, lunch, and any orientation to the specific policies of the employing facility.
- b) Timeframe Requirements for Developmental Disabilities Aide Training Programs and Basic Child Care/Habilitation Aide Training Programs

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Section 395.150(b) (continued)

- 1) Each program shall include a minimum of 120 hours of instruction, excluding breaks, lunch, and any orientation to the specific policies of the employing facility. A program may include a maximum of 155 hours of instruction.
- 2) The basic program content shall be presented in a minimum timeframe of three weeks, but cannot exceed 120 days, unless the training program is conducted by a community college or other educational institution on a term, semester, or trimester basis.
- 3) There shall be a ratio of two hours of theory, including supervised laboratory, to each hour of supervised clinical practice instruction. This ratio applies only to the minimum required 120 hours of instruction.

Section 395.160 Instructor Requirements

- a) Requirements for Instructors in a Basic Nursing Assistant Program or a Basic Child Care/Habilitation Aide Training Program
 - 1) Each course instructor shall be a registered nurse with a current Illinois license, who has no other duties while engaged in the training program. After January 1, 1990, instructors shall be required to have two years of experience in one or both of the following areas:
 - A) Teaching an approved Basic Nursing Assistant Program or Basic Child Care/Habilitation Aide Training Program, between July 1, 1985, and January 1, 1990.
 - B) Caring for the elderly or for the chronically ill of any age through employment in a nursing facility, extended care unit, geriatrics department, chronic care unit, or other long-term care setting.
 - 2) Each course instructor shall also possess at least one of the following qualifications:
 - A) A valid Illinois teaching certificate (not a provisional certificate).
 - B) A Train the Trainer Certificate issued by the Department as proof of completion of the Train the Trainer Workshop.

Section 395.160(a)(2) (continued)

- C) Evidence of at least one semester of formal teaching experience.
- D) College coursework during the previous six years which includes at least one course in teaching/learning principles, curriculum development, teaching methods, and instructional techniques.

b) Requirements for Instructors of the Alzheimer's Disease and Related Dementias Portions of a Basic Nursing Assistant Program

- 1) Each instructor shall be a registered nurse with a current Illinois license, who has no other duties while engaged in the training program.
- 2) Each instructor shall also possess at least one of the following qualifications:
 - A) At least two years of experience providing services for patients with Alzheimer's disease and related dementias and at least one semester of formal teaching experience.
 - B) Documentation of completion of a specialized workshop, course, seminar or other training for instruction in Alzheimer's disease and related dementias (see Section 395.300(r) through (z)).

c) Requirements for Instructors in a Developmental Disabilities Aide Training Program

- 1) The curriculum coordinator must be a qualified mental retardation professional as defined at 77 Ill. Adm. Code 350.330.
- 2) Each program instructor shall meet at least one of the following:
 - A) Verification of successful completion of a train the trainer workshop approved by the Department of Mental Health and Developmental Disabilities.
 - B) A Qualified Mental Retardation Professional approved as a trainer by the Department of Mental Health and Developmental Disabilities.
 - C) At least one year of experience with developmental disabilities programs and approved by the Department of Mental Health and Developmental Disabilities.

Section 395.160(c)(2) (continued)

- D) Have a valid Illinois teaching certificate.
- E) Be a community college or college instructor with at least one year of teaching experience.
- F) College coursework during the previous six years which includes teaching/learning principles, curriculum development, teaching methods, and instructional techniques.

Section 395.170 Program Operation Requirements

- a) Ten working days prior to the start of the actual training program, an updated master schedule shall be submitted to the Department.
- b) Any change in program content, objectives, or instructors shall be submitted to the Department at least thirty days prior to program delivery.
- c) The program shall require each student to show competency of basic skills by hands on return demonstration as well as the successful completion of a written examination encompassing theory and skills taught.
- d) The program sponsor shall submit a certificate for each trainee who proves competency in the theory and skills taught in the program. The certificate for each successful trainee shall include the following information:

- 1) Name and Social Security number of the trainee.
- 2) Identification number of the training program.
- 3) A statement that the individual has completed the Basic Nursing Assistant Training Program, Developmental Disabilities Aide Training Program, or Basic Child Care/Habilitation Aide Training Program.
- 4) Program completion date.
- 5) Signature of the program instructor. (Any additional signatures are optional.)
- e) In addition to certificates, the sponsor shall submit to the Department a composite list displaying the following information

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Section 395.170(e) (continued)

regarding each trainee:

- 1) Name, home address, and Social Security number.
- 2) Program approval number and program completion date.
- f) The Department will return the certificates to the sponsoring organization for distribution to the trainees.
- g) Successful completion of a training program does not imply "certification" of the nursing assistant by the State. Successful completion of a training program only indicates that the person has completed the training program and can be employed by licensed long-term care facilities.

Section 395.180 Department Monitoring

- a) The Department will monitor the operation of approved training programs through on-site visits and other monitoring activities, such as written inquiries, reviews of success rates on competency examinations, and questionnaires. The Department will conduct an on-site visit during the first year of the operation of each newly approved training program. The Department will conduct on-site visits at least every two years for all training programs. The proportion of the training program's students who successfully complete the competency evaluation will be considered by the Department in determining the need for on-site visits and other monitoring activities.

- b) When the Department determines that the program fails to comply with any of the program requirements contained in this Part, the Department will initiate action to suspend or revoke the program approval in accordance with Section 395.190.

Section 395.190 Denial, Suspension, and Revocation of Program Approval

- a) When the Department finds that an application or proposed program, along with any additional information and revisions which are submitted, fails to comply with the program requirements contained in this Part, the Department will notify the sponsor in writing of denial of program approval. The notice to the sponsor shall state the reasons for the denial and the right of the sponsor to appeal the denial and to a hearing before the Department.

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Section 395.190 (continued)

- b) When the Department, upon evaluation or during monitoring, finds that an approved program does not comply with the program requirements contained in this Part, the Department will notify the sponsor in writing of the finding of non-compliance of the program and the reasons for the finding.
- c) When the Department finds that any conditions stated in the written notice of non-compliance issued under subsection (b) of this Section have not been corrected within thirty days after the date of issuance of such notice, the Department will revoke or suspend its approval of the program.

- 1) The Department shall suspend approval when the program fails to substantially comply with the approved program plan during the operation of the program. Substantial failure to comply with the approved program plan includes program instruction being conducted contrary to the master schedule, contrary to the approved content, by an individual other than the approved instructor, or at a location other than the approved site or sites.

- 2) The Department will revoke approval when an approved program fails to comply with the program requirements of this Part.

- 3) When the approval of a program has been suspended or revoked, the program sponsor shall have a right to appeal the suspension or revocation and to a hearing before the Department.

- d) When the approval of a program has been denied, suspended, or revoked, the program sponsor may submit a written appeal of the action and request for a hearing within ten days after notification of the decision to deny, revoke or suspend approval.

- e) All hearings under this Part shall be conducted in accordance with the Department's "Rules of Practice and Procedures in Administrative Hearings" (77 Ill. Adm. Code 100).

Section 395.200 Other Programs Conducted by Facilities

- a) Any licensed long-term care facility may conduct a training program for nursing assistants which can be individualized for each employee. Such training programs may be taught by any person or persons in the facility.

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Section 395.200 (continued)

- b) Any licensed long-term care facility which conducts a training program for nursing assistants shall notify the Department in writing. The notice to the Department must describe the content of the training program, designate the training instructor, and indicate when the training will be conducted.
- c) Any nursing assistant who attends a training program conducted by a facility must successfully pass the Department's proficiency examination before being permitted to function as a nursing assistant.

SUBPART B: TRAINING PROGRAM CURRICULA REQUIREMENTS

Section 395.300 Basic Nursing Assistant Training Program

The Basic Nursing Assistant Training Program shall include, at a minimum, the following:

- a) Module I -- Introduction to Health Care Systems
 - 1) Functions of health care facilities. Objectives: Upon completion of this unit of instruction, the student will be able to:
 - A) differentiate between the hospital, long term care facility, and home health aide programs as to their basic purposes and what each expects of the nursing assistant.
 - B) define the functions of the nursing assistant and be aware of the ethical implications and the legal limitations.
 - C) develop a beginning understanding and appreciation of the responsibility of the nursing assistant as a member of the health care team.
 - 2) Home Health Agencies and the health care professions. Objectives: Upon completion of this unit of instruction, the student will be able to:
 - A) discuss the purpose and organization of a home health agency.
 - B) identify the members of the home health care team and their respective tasks.

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Section 395.300(a)(2) (continued)

- C) apply learned basic nursing procedures to the home setting making appropriate modifications.
- 3) Philosophy of patient care. Objectives: Upon completion of this unit of instruction, the student will be able to:
 - A) understand the uniqueness and reward of caring for the geriatric patient.
 - B) demonstrate an awareness of the ethics involved in the position.
 - C) develop an understanding of the patient-family relationship.
- 4) The role of the multidisciplinary health care team. Objectives: Upon completion of this unit of instruction, the student will be able to:
 - A) define the role of the nursing assistant in the long-term care facility.
 - B) identify and discuss roles of the multidisciplinary team and the integration of services for the total care of the patient.
 - C) identify the "chain of command" in the organizational structure of a long-term care facility.
- 5) Personal qualities of the nursing assistant. Objectives: Upon completion of this unit of instruction, the student will meet expectations of facilities by being able to:
 - A) meet standards of appearance and general behavior.
 - B) be aware of the importance of punctuality and confidentiality.
 - C) demonstrate an awareness of the empathy and compassion, particularly to the elderly.
- 6) Duties of the nurse assistant. Objectives: Upon completion of this unit of instruction, the student will be able to:
 - A) develop an understanding of nursing assistant duties.

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Section 395.300(a)(6) (continued)

- B) develop an understanding of the why's of patient care, such as infection control, safety, and residents' rights.
- C) define the functions of the nursing assistant and be aware of legal implications.
- 7) Medical terminology. Objectives: Upon completion of this unit of instruction, the student will meet expectations of facilities by being able to:
 - A) develop an awareness of the very basic abbreviations and symbols utilized in medical terminology.
 - B) meet the written standards for charting on the medical record.
- 8) Recording. Objectives: Upon completion of this unit of instruction, the student will be able to:
 - A) demonstrate an awareness of the principles of accurate observation and recording.
 - B) discuss the various forms utilized in the medical record system.

b) Module II -- Introduction to the patient.

- 1) Resident Rights. Objectives: Upon completion of this unit of instruction, the student will be able to:
 - A) provide privacy and maintenance of confidentiality.
 - B) assist residents to make personal choices to accommodate their individual needs.
 - C) maintain reasonable care of the personal possessions of residents.
- 2) Communication and interpersonal relationships with patients, families and others. Objectives: Upon completion of this unit of instruction, the student will be able to:
 - A) develop an awareness of appropriate communication between staff/patients, staff/families, families/patient, staff/staff.

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Section 395.300(b)(2) (continued)

- B) develop communication techniques.
- C) demonstrate the ability to understand verbal and nonverbal communication.
- 3) Psychological needs of patient and family. Objectives: Upon completion of this unit of instruction, the student will be able to:
 - A) develop an awareness of sensitivity to the patient's need for feelings of self worth.
 - B) demonstrate the ability to listen.
 - C) understand the necessity to develop and maintain harmony between patient and family.
- 4) Normal growth and development. Objectives: Upon completion of this unit of instruction, the student will be able to:
 - A) list and describe various priorities of needs of residents.
 - B) describe the continuum of life cycle.
 - C) develop an awareness of normalcy and deviations.
- c) Module III -- Your working environment.
 - 1) Cleanliness in the health care setting and patient homes. Objectives: Upon completion of this unit of instruction, the student will be able to:
 - A) define the principles of medical asepsis.
 - B) demonstrate an awareness of the importance of cleanliness in health care institutions.
 - C) demonstrate the ability to modify medical asepsis technique for the home setting.
 - 2) Principles of handwashing. Objectives: Upon completion of this unit of instruction, the student will be able to:
 - A) discuss the need for handwashing before and after each task and before and after direct patient contact.

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Section 395.300(c)(2) (continued)

- B) demonstrate that an understanding of good handwashing technique will prevent the spread of disease.
- C) demonstrate the ability to wash hands using the learned technique.
- 3) Principles of disinfection. Objectives: Upon completion of this unit of instruction, the student will be able to:
 - A) List the methods of disinfection.
 - B) demonstrate an awareness of handling disinfected articles.
 - C) differentiate between "clean" and "dirty."
- 4) Principles of sterilization. Objectives: Upon completion of this unit of instruction, the student will be able to:
 - A) explain the relationship between microorganisms and infection control.
 - B) list the conditions necessary for microorganism growth.
 - C) develop an awareness of the process of killing all bacteria.
- 5) Techniques of disinfection. Objectives: Upon completion of this unit of instruction, the student will be able to:
 - A) discuss the various methods of disinfecting.
 - B) develop an awareness of relevant time necessary for disinfection.
 - C) list articles that can be safely disinfected.
- 6) Maintaining equipment and supplies. Objectives: Upon completion of this unit of instruction, the student will be able to:
 - A) develop an understanding of the proper usage of equipment used in the personal/nursing care of residents.
 - B) demonstrate proper usage, cleaning and storing of equipment.
 - C) develop an awareness of the reporting system relevant to proper maintenance of equipment.

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Section 395.300 (continued)

d) Module IV -- Safety.

- 1) Body mechanics. Objectives: Upon completion of this unit of instruction, the student will be able to:
 - A) discuss techniques of proper body mechanics.
 - B) demonstrate good body mechanics for the benefit of the patient and nursing assistant.
 - C) relate use of body mechanics to basic musculo-skeletal anatomy.
- 2) Fire safety. Objectives: Upon completion of this unit of instruction, the student will be able to:
 - A) identify potential fire hazards.
 - B) identify and apply facility's procedures for safety, fire and disaster.
 - C) state his/her role in facility's fire and disaster plan.
- 3) Disaster. Objectives: Upon completion of this unit of instruction, the student will be able to:
 - A) identify designated supervisory personnel in the event of disaster.
 - B) develop an understanding of the disaster manual.
 - C) state his/her role in facility's safety, fire and disaster plan.
- e) Module V -- The patient's unit. Bedmaking procedures (unoccupied and occupied). Objectives: Upon completion of this unit of instruction, the student will be able to:
 - 1) identify the patient's need for a clean and comfortable environment.
 - 2) identify the purpose of and procedure for making the unoccupied and occupied bed.
 - 3) demonstrate proper bedmaking procedure.

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Section 395.300 (continued)

- f) Module VI -- Lifting, moving and transporting patients.
- 1) In bed. Objectives: Upon completion of this unit of instruction, the student will be able to:
 - A) describe briefly the musculo-skeletal system.
 - B) realize needs for motion in joints and muscle activity.
 - C) maintain correct body alignment.
 - 2) Ambulatory. Objectives: Upon completion of this unit of instruction, the student will be able to:
 - A) safely ambulate patients.
 - B) demonstrate proper body mechanics.
 - C) develop an awareness of the physical ability of each patient.
 - 3) Wheelchair. Objectives: Upon completion of this unit of instruction, the student will be able to:
 - A) apply safety principles involved in transporting patient wheelchair.
 - B) demonstrate proper body mechanics.
 - C) provide for privacy when transferring the patient from bed to wheelchair.
 - 4) Stretcher. Objectives: Upon completion of this unit of instruction, the student will be able to:
 - A) identify and apply rules for safety for patient transfer.
 - B) demonstrate good body mechanics.
 - C) provide for privacy when transferring the patient from bed to stretcher.
- g) Module VII -- Basic Anatomy.
- 1) Contents

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Section 395.300(g)(1) (continued)

- A) Anatomy of the Skeletal System.
 - B) Anatomy of the Circulatory System.
 - C) Anatomy of the Digestive System.
 - D) Anatomy of the Respiratory System.
 - E) Anatomy of the Urinary System.
 - F) Anatomy of the Muscular System.
 - G) Functioning of the human body as related to the disease process.
- 2) Objectives: Upon completion of this unit of instruction, the student will be able to:
 - A) develop an understanding of human anatomy and its relationship to normal function.
 - B) identify and discuss simple disease processes.
 - C) explain how body systems work together.
- h) Module VIII -- Personal care of the patient.
- 1) Contents
 - A) Oral hygiene.
 - B) Bathing procedures.
 - C) Care of the back, feet and skin.
 - D) Observing and reporting.
 - 2) Objectives: Upon completion of this unit of instruction, the student will be able to:
 - A) identify basic human needs (physical, emotional, social and religious) of the patient.
 - B) demonstrate the ability to recognize basic human needs in patient behavior.

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Section 395.300(h)(2) (continued)

- C) demonstrate proper medical asepsis technique.
- D) demonstrate methods to detect incipient or manifest decubitus ulcers.
- E) demonstrate measures to prevent decubitus ulcers, such as proper positioning and turning.
- F) identify the patient's need for a clean environment.
- G) observe and report care given.

i) Module IX -- Nutrition.

- 1) Diets and therapeutic diets. Objectives: Upon completion of this unit of instruction, the student will be able to:
 - A) describe briefly the use of basic nutrients and fluids by the body.
 - B) list the basic four groups and name daily requirements of each.
 - C) identify modified diets and understand the reasons for modification.

- 2) Feeding techniques. Objectives: Upon completion of this unit of instruction, the student will be able to:

- A) describe briefly the anatomy of digestion.
- B) develop an awareness of the patient's eating limitations.
- C) serve and assist patient with feeding.

- 3) Nourishments. Objectives: Upon completion of this unit of instruction, the student will be able to:

- A) develop an understanding of intermittent nourishments and dietary supplements.
- B) demonstrate the ability to properly distribute nourishments.
- C) accurately report and record diet and fluid intake.

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Section 395.300 (continued)

j) Module X -- Fluid balance.

- 1) Measuring fluid intake and output. Objectives: Upon completion of this unit of instruction, the student will be able to:
 - A) describe briefly the anatomy of elimination.
 - B) demonstrate the ability to measure intake and output.
 - C) accurately report and record intake and output.
- 2) Forcing and restricting fluids. Objectives: Upon completion of this unit of instruction, the student will be able to:

- A) identify problems associated with bowel and bladder management.
- B) develop an understanding of fluid balance in the body.
- C) accurately report and record patient's fluid intake.
- 3) Specimen collection. Objectives: Upon completion of this unit of instruction, the student will be able to:
 - A) describe briefly the anatomy related to body discharge and elimination.
 - B) demonstrate how to collect stool, urine, and other specimens.
 - C) accurately report and record urinary, fecal, and other output.

k) Module XI -- Observing and recording vital signs.

1) Contents

- A) Taking the temperature.
- B) Taking pulse.
- C) Taking respirations.
- D) Taking blood pressure.

Section 395.300(k)(1) (continued)

- E) Recording vital signs.
- F) Measuring height and weight.
- 2) Objectives: Upon completion of this unit of instruction, the student will be able to:
 - A) state the meaning and importance of temperature, pulse, respirations, and blood pressure.
 - B) demonstrate how to properly measure temperature, pulse, respirations, and blood pressure.
 - C) accurately report and record temperature, pulse, respirations, and blood pressure.
 - D) demonstrate how to accurately measure and record height and weight.

1) Module XII -- Supportive care.

- 1) Heat applications. Objectives: Upon completion of this unit of instruction, the student will be able to:
 - A) describe the various methods of heat application.
 - B) demonstrate the use of safety measures involved in applying hot applications.
 - C) report and record treatment given.

- 2) Cold applications. Objectives: Upon completion of this unit of instruction, the student will be able to:
 - A) describe the various methods of cold application.
 - B) demonstrate the use and safety measures involved in applying cold applications.
 - C) report and record treatment given.

- 3) Enemas. Objectives: Upon completion of this unit of instruction, the student will be able to:
 - A) describe briefly the anatomy of elimination.

Section 395.300(l)(3) (continued)

- B) demonstrate how to administer an enema.
- C) accurately report and record the procedures and results.
- 4) The vaginal douche - external and internal. Objectives: Upon completion of this unit of instruction, the student will be able to:
 - A) describe briefly the anatomy of the reproductive system.
 - B) demonstrate the procedure of administering an external and internal douche.
 - C) accurately report and record the procedure.
- 5) Catheters and tubing. Objectives: Upon completion of this unit of instruction, the student will be able to:
 - A) develop a basic understanding of the use of catheters and tubing.
 - B) discuss the use of specific catheters and tubing.
 - C) develop an understanding of the maintenance and storage of catheters and tubing.

m) Module XIII -- Fundamentals of Rehabilitation Nursing.

- 1) Philosophy of rehabilitation nursing. Objectives: Upon completion of this unit of instruction, the student will be able to:
 - A) discuss the intrinsic worth of affected persons.
 - B) develop a beginning understanding of the fundamentals of rehabilitation.
 - C) identify methods of treating the whole patient for restoration of function.
- 2) Principles of rehabilitation nursing. Objectives: Upon completion of this unit of instruction, the student will be able to:
 - A) demonstrate an understanding of the concepts of rehabilitation nursing.

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Section 395.300(m)(2) (continued)

- B) identify the four cardinal principles of rehabilitation nursing.
- C) develop an awareness of the treatment process of rehabilitation as well as the legal implications.
- 3) Concepts of activities of daily living. Objectives: Upon completion of this unit of instruction, the student will be able to:
 - A) describe and discuss the use of adaptive tools for the disabled person.
 - B) develop an awareness of sensitivity to the patient's need for feelings of self-esteem.
 - C) motivate the patient to work toward independence and self-care.

n) Module XIV -- Patient care planning.

1) Contents

- A) Patient admission.
- B) Patient transfer.
- C) Patient discharge.
- 2) Objectives: Upon completion of this unit of instruction, the student will be able to:
 - A) be aware of the emotional implications of admission, transfer, and discharge.
 - B) demonstrate the procedures for admission, transfer, and discharge.
 - C) observe, report, and record accurately.

o) Module XV -- The patient in isolation.

- 1) Isolation techniques. Objectives: Upon completion of this unit of instruction, the student will be able to:

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Section 395.300(o)(1) (continued)

- A) discuss communicable diseases and the nature of isolation techniques.
- B) differentiate between "clean" and "dirty."
- C) discuss the difference between regular and reverse isolation procedures.
- 2) Physiological aspects of isolation. Objectives: Upon completion of this unit of instruction, the student will be able to:
 - A) demonstrate isolation precautions and procedures.
 - B) demonstrate isolation procedures including handwashing, masking, gowning, food and elimination precautions.
 - C) accurately report and record isolation procedures.
- 3) Psychological aspects of isolation. Objectives: Upon completion of this unit of instruction, the student will be able to:
 - A) be aware and empathetic to the patient's fear and loneliness.
 - B) identify untoward behavior of the isolated patient.
 - C) accurately observe and record patient's emotional reaction to the isolation process.
- 4) Isolation in the home. Objectives: Upon completion of this unit of instruction, the student will be able to:
 - A) apply learned isolation techniques making necessary modifications for home care.
 - B) communicate effectively with the patient and family relevant to the isolation process.
 - C) accurately observe, report, and record the isolation techniques.

p) Module XVI -- Care of the terminally ill patient.

1) Contents

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Section 395.300(p)(1) (continued)

- A) Psychological needs of the patient.
 - B) Psychological needs of the family.
- 2) Objectives: Upon completion of this unit of instruction, the student will be able to:
- A) identify and describe the rights of the dying patient and his/her family.
 - B) discuss attitudes and feelings about death and dying.
 - C) describe the physical and psychological changes in the patient as death approaches.
 - D) discuss the grieving process of the patient and family.
- q) Module XVII -- Care of the body (postmortem care). Objectives: Upon completion of this unit of instruction, the student will be able to:
- 1) develop an awareness for respect for the body after death occurs.
 - 2) develop an understanding for good body alignment after death.
 - 3) demonstrate nursing care after death.
- r) Module XVIII -- Aging and Dementia. Objectives: Upon completion of this unit of instruction, the student will be able to:
- 1) Identify the differences between the normal aging process and cognitive dysfunction disease processes.
 - 2) Define dementia and pseudo-dementia.
 - A) Reversible
 - B) Non-reversible
 - 3) List the common terminology used to describe different types of dementia.
 - A) Alzheimer's Disease (AD)
 - B) Senile Dementia of the Alzheimer's Type (SDAT)
 - C) Multi Infarct Dementia (MID)

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Section 395.300(r)(3) (continued)

- D) Organic Brain Syndrome (OBS)
- 4) Discuss how dementias are currently diagnosed.
- s) Module XIX -- Alzheimer's Disease (AD) and Related Disorders (RD). Objectives: Upon completion of this unit of instruction, the student will be able to:
- 1) Identify the potential health, social and economic impacts of AD and RD.
 - A) Society
 - B) Family
 - C) Individual
 - 2) List the primary signs, symptoms and associated features of AD and RD.
 - 3) Discuss memory loss, sensory impairments, perceptual dysfunction, and cognitive and physical changes normally associated with AD and RD.
- t) Module XX -- Communications. Objectives: Upon completion of this unit of instruction, the student will be able to:
- 1) Identify the elements of verbal/nonverbal communication between staff/resident.
 - 2) Discuss the expected language and communication changes in AD and RD residents.
 - 3) Identify effective techniques for enhancing communications.
 - 4) Discuss the importance of touch and companionship to the AD and RD resident.
- u) Module XXI -- Care and Treatment Modalities. Objectives: Upon completion of this unit of instruction, the student will be able to:
- 1) Discuss the inter-disciplinary nature of treatment in the care of AD and RD residents.
 - 2) Identify the importance of observation and ways to monitor the

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Section 395.300(u)(2) (continued)

behavior and safety of the AD and RD resident.

- 3) Identify the importance of: consistency in approach; focusing on ability; task breakdown techniques; cueing and distraction techniques.
 - 4) Discuss the difference in approaching activities of daily living (ADL), such as dressing, bathing, grooming, oral hygiene, bowel, bladder, and skin care.
 - 5) List the physical changes and their effects on the AD resident.
- v) Module XXII -- Behavior Issues and Management Techniques. Objectives: Upon completion of this unit of instruction, the student will be able to:
- 1) Discuss the common mood and behavioral disturbances of residents with a progressive dementing disorder.

A) Agitation

B) Anxiety

C) Catastrophic Reactions

D) Clinging

E) Combativeness

F) Delusions/hallucinations

G) Inappropriate sexual behaviors

H) Rummaging/hoarding

I) Sleep disturbance

J) Sundowning (increasing intensity of symptoms during evening hours)

K) Suspiciousness

L) Wandering/pacing

- 2) Identify specific techniques or approaches used to support residents ability.

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Section 395.300(v)(2) (continued)

A) Behavior

B) Cause

C) Staff intervention/response

D) Environment

w) Module XXIII -- Activities. Objectives: Upon completion of this unit of instruction, the student will be able to:

- 1) Identify appropriate activities based on the individuals mood and behavioral needs.

A) Individual

B) Small group

C) Large group

- 2) Discuss the importance, significance and types of familiar tasks to support normalization.

x) Module XXIV -- Nutrition and Dietary Factors. Objectives: Upon completion of this unit of instruction, the student will be able to:

- 1) Identify cognitive and physiological changes of AD and RD residents that affect nutrition and feeding patterns.

- 2) Discuss potential feeding problems, complications, and eating behaviors.

- 3) List approaches for maintaining good nutrition and enhancing mealtime.

y) Module XXV -- Family Role and Community Resources. Objectives: Upon completion of this unit of instruction, the student will be able to:

- 1) Define family, significant other, and the sandwich generation (individuals caring for both their children and their elderly parents).

- 2) Identify role changes and role reversal.

- 3) Discuss the extent of family caregiving prior to Nursing Home placement.

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Section 395.300(y) (continued)

- 4) Discuss the impact of chronic stress on family systems.
 - 5) Discuss the impact of caring for the AD and RD family member or resident on the primary caregiver.
 - 6) Identify interventions appropriate for assisting family caregivers to cope with their stress.
 - 7) Identify the different community resources available and their role in the care and treatment of AD and RD residents both inside and outside the facility setting.
 - 8) Discuss how local chapters of the Alzheimer's Disease and Related Disorders Association (ADRDA) can assist the resident, the family caregiver and the facility.
- z) Module XXVI -- Staff Support. Objectives: Upon completion of this unit of instruction, the student will be able to:
- 1) Identify stress factors involved in caring for persons with irreversible cognitive decline.
 - 2) Identify coping mechanisms used by the individual resident to compensate for irreversible cognitive decline.
 - 3) Identify coping mechanisms that are used during the death, dying and bereavement process by the family and facility staff.
- aa) Module XXVII -- Cardiopulmonary Resuscitation. Objective: Upon completion of this unit of instruction, the student will be able to initiate basic cardiopulmonary resuscitation. After the training, certification in the provision of basic life support by an American Heart Association or American Red Cross certified training program may be offered as an option for this unit, but such certification is not a pre-requisite for the student's satisfactory completion of this unit of instruction.

Section 395.310 Developmental Disabilities Aide Training Program

The Developmental Disabilities (DD) Aide Training Program shall include, at a minimum, the following:

- a) Orientation

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Section 395.310(a) (continued)

- 1) Functions of long-term care facilities for the developmentally disabled
 - 2) The health care professions, support services for the developmentally disabled and community social service agencies
 - 3) Philosophy of residential care
 - 4) Role of the interdisciplinary team
 - 5) Job duties and responsibilities of the DD Aide
- b) Introduction to the Residents
- 1) Communication and interpersonal relationships with residents, families and others
 - 2) Psychosocial needs of residents and their family
 - 3) The growth and development process
 - 4) Characteristics and types of developmental disabilities
 - 5) Resident's adjustment to death and dying
- c) Fundamentals of Habilitation Planning
- 1) Philosophy of achieving independent living skills
 - 2) Introduction to the individual habilitation plan including the role of the employee in the habilitation process
 - 3) Habilitation plan assessment procedures and goal planning
 - 4) The role of the employee in the admission, transfer and discharge processes
 - 5) The role of the employee in basic resident care planning and procedures
- d) Techniques of Habilitation Planning and Implementation. The role of the employee in social habilitation, including:
- 1) Activities of daily living (ADL)

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Section 395.310(d) (continued)

- 2) Therapeutic and leisure time activities
- 3) Education
- 4) Community living adjustment
- 5) Behavior development
- 6) Behavior control
- 7) Effect of drugs in behavior management
- 8) Total communication
- 9) Pre-vocational and vocational training
- 10) Nutrition and fluid intake
- 11) Diets and therapeutic diets
- e) Principles of Record Keeping
 - 1) History and use of facility records with special emphasis on the role of the employee in the record keeping process
 - 2) Content and organization of resident records
 - 3) Recording methods for progress notes, universal notes, ADC notes and habilitation reviews
 - 4) Writing effective progress notes
 - 5) Confidentiality
 - 6) Recording admission, transfer and discharge information
- f) Safety
 - 1) Basic fire safety
 - 2) Emergency and disaster procedures
 - 3) Injury prevention techniques
 - 4) Household daily safety procedures including body mechanics

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Section 395.310 (continued)

- g) Facility Environment
 - 1) Creating normalized environment for daily living activities
 - 2) Importance of cleanliness of the facility, use of equipment and supplies
- h) Principles of Disease Control
 - 1) Introduction to micro-organisms causing resident illness and disease
 - 2) Teaching of disinfection and sanitation
- i) Emergency Medical Procedures
 - 1) Cardiopulmonary resuscitation (CPR)
 - 2) Seizures
 - 3) Drug reactions
 - 4) Traumas
 - 5) Heimlich maneuver
- j) Resident Rights
 - 1) Basic civil, human and legal rights of residents
 - 2) Protection of residents personal property
- k) Bodily Functions
 - 1) Helping residents to understand their body functions
 - 2) Personal hygiene
 - 3) Human sexual behavior

Section 395.320 Basic Child Care/Habilitation Aide Training Program

The Basic Child Care/Habilitation Aide Training Program shall include at a minimum:

Section 395.320 (continued)

- a) Orientation.
 - 1) Functions of health care facilities.
 - 2) Health care professions.
 - 3) Philosophy of resident care.
 - 4) The role of the interdisciplinary or multidisciplinary health care team.
 - 5) Personal qualities of the Aide.
 - 6) Duties of the Aide.
 - 7) Medical terminology.
 - 8) Record keeping.
 - 9) Residents' rights.
- b) Introduction to the resident.
 - 1) Communication and interpersonal relationships with residents, families and others.
 - 2) Psychological needs of resident and family.
 - 3) Normal growth and development.
 - 4) Characteristics of developmental disabilities and mental illnesses.
- c) Your working environment.
 - 1) Cleanliness in the health care setting.
 - 2) Principles of handwashing.
 - 3) Principles of disinfection.
 - 4) Principles of sterilization.
 - 5) Techniques of disinfection.

Section 395.320(c) (continued)

- 6) Maintaining equipment and supplies.
- d) Safety.
 - 1) Body mechanics.
 - 2) Fire safety.
 - 3) Disaster.
- e) Emergency Medical Procedures.
 - 1) CPR.
 - 2) Seizures.
 - 3) Drug reactions.
 - 4) Heimlich maneuver.
 - 5) Trauma.
- f) The resident's unit. Bedmaking procedures (unoccupied and occupied).
- g) Lifting, moving and transporting residents.
 - 1) In bed.
 - 2) Ambulatory.
 - 3) Wheelchair.
 - 4) Stretcher.
- h) Basic Anatomy.
 - 1) Skeletal System.
 - 2) Circulatory System.
 - 3) Digestive System.
 - 4) Respiratory System.
 - 5) Urinary System.

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Section 395.320(h) (continued)

Section 395.320(m) (continued)

6) Functioning of the human body as related to the disease process.

i) Personal care of the resident.

1) Oral hygiene.

2) Bathing procedures.

3) Care of the back, feet and skin.

4) Observing and reporting.

5) Personal hygiene.

j) Nutrition.

1) Diets and therapeutic diets.

2) Feeding techniques.

3) Nourishments.

4) Fluid intake.

k) Fluid balance.

1) Measuring fluid intake and output.

2) Forcing and restricting fluids.

3) Specimen collection.

l) Observing and recording vital signs.

1) Taking the temperature.

2) Taking pulse.

3) Taking respirations.

4) Taking blood pressure.

5) Recording vital signs.

m) Supportive care.

p) The resident in isolation.

1) Isolation techniques.

1) Heat applications.

2) Cold applications.

3) Enemas.

4) The vaginal douche (external and internal).

5) Preparing the resident for surgery physiologically.

6) Preparing the resident for surgery psychologically.

7) Care for the post-operative resident's physiological needs.

8) Care for the post-operative resident's psychological needs.

9) Side effects of various medications.

n) Fundamentals of (Re)habilitation.

1) Physical.

2) Social.

3) Psychosocial.

4) Behavioral.

o) Resident care planning.

1) Individual Habilitation Plan.

2) Individual Education Plan.

3) Admission.

4) Transfer.

5) Discharge.

6) Home visits.

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Section 395.320(p) (continued)

- 2) Physiological aspects of isolation.
- 3) Psychological aspects of isolation.
- q) Care of the terminally ill resident.
 - 1) Psychological needs of the resident.
 - 2) Psychological needs of the family.
- r) Care of the body (Postmortem care).

SUBPART C: PROFICIENCY EXAMINATION

Section 395.400 Proficiency Examination

- a) Any person who has been employed as an assistant or aide for less than 45 days in a facility, or who will be employed as an assistant or aide in a facility, may take a proficiency examination in lieu of completion of an approved training program.
- b) Proficiency examinations will be offered at a location determined by the Department. The Department will establish and announce the dates and times for the examination.
- c) Proficiency examination registrations must be made on behalf of an individual by a facility administrator. Individuals wishing to take the examination shall request the facility administrator to contact the Department to register the individual for the proficiency examination. The Department will notify the facility of the date and location of the individual's scheduled proficiency examination and will send the individual's registration application form to the facility.
- d) The examinee shall report to the testing site by the time scheduled for the start of the proficiency examination. No examinee will be admitted to the testing room after the time scheduled for the start of the proficiency examination. The examinee shall present the following at the testing site:
 - 1) Identification, which includes a photograph of the individual, such as driver's license, non-driver's Illinois identification card, employee identification card, or school identification

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Section 395.400(e)(1) (continued)

- card.
- 2) Registration application form, which has been completed and signed by the facility administrator.
- 3) The letter sent by the Department to specify the time and place that the applicant is registered to take the proficiency exam.
- 4) The registration fee charged by the college or agency administering the proficiency examination.
- e) Any person who does not report to the designated testing site on time, or who fails to report without having given the Department advance notice of the individual's need to reschedule the exam (except in the case of an emergency which prohibits the individual from providing such advance notice, provided that the individual notifies the Department no later than five days after the exam), shall not be allowed to register to take the test at a later date.
- f) Proficiency Examination Content
 - 1) The basic nursing assistant proficiency examination will consist of written questions from the training program curriculum outlined in Section 395.300.
 - 2) The developmental disabilities aide proficiency examination will consist of written questions from the training program curriculum outlined in Section 395.310.
 - g) The proficiency examination will consist of four sections. The examinee must correctly answer at least seventy percent of the questions in each section in order to successfully pass the proficiency examination. The Department will notify each examinee and employer in writing as to whether the examinee passed the proficiency examination.
 - h) The examinee will be allowed to retake individual sections of the proficiency exam that were failed. The examinee must follow the procedures outlined in this Section to register to retake portions of the proficiency examination.
 - i) Any examinee who fails to successfully pass the proficiency examination three times within the first 120 days of employment must enroll in and successfully complete an approved Basic Nursing Assistant Training Program, or Developmental Disabilities Aide Training Program.

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NOTICE OF ADOPTED AMENDMENTS

1) Heading of Part:

Long-Term Care for Under Age 22 Facilities Code

2) Code Citation:

77 Ill. Adm. Code 390

3) Section Numbers:390.680
390.685Adopted Action:Repeal, New Section
New Section4) Statutory Authority:

Nursing Home Care Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 4151-101 et seq., as amended by P.A. 85-1183, effective August 13, 1988, and P.A. 85-1378, effective September 1, 1988)

5) Effective Date of Amendments:

December 1, 1989

6) Does this Rulemaking contain an Automatic Repeal Date? No.7) Does this Rulemaking contain Incorporation by Reference? No.8) Date Filed in Agency's Principal Office:

December 1, 1989

9) Date Notice of Proposal Published in Illinois Register:

June 2, 1989 (13 Ill. Reg. 8315)

10) Has the Joint Committee on Administrative Rules issued a Statement of Objections to this Rulemaking? No.11) Difference Between Proposal and Final Version:

In response to questions from the Joint Committee on Administrative Rules, the Department has made the following changes in these amendments:

1. The first sentence of Section 390.680(d) was revised to read:
"During inspections of the facility, the Department will REQUIRE CHILD CARE/HABILITATION AIDES TO DEMONSTRATE COMPETENCY IN THE PRINCIPLES, TECHNIQUES, AND PROCEDURES covered by the child

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care/habilitation aide training program curriculum described in the rules governing training programs for nursing assistants and aides (77 Ill. Adm. Code 395), when possible problems in the care provided by child care/habilitation aides or other evidences of inadequate training are observed."

2. In Section 390.685(b), the cross-reference "(see 77 Ill. Adm. Code 395.320)" was added after the phrase "basic child care/habilitation aide practices." In addition, the cross-reference "(see 77 Ill. Adm. Code 300.1210(b))" was added after the phrase "rehabilitation nursing."

The following substantive changes in the text of the amendments were made in response to public comments received during the first notice period:

1. Section 390.680(a) was revised to allow aides employed by facilities licensed as long-term care facilities for persons under age 22 to complete a basic nurse aide training program or a developmental disabilities aide training program as alternatives to completion of the specialized child care/habilitation aide training program.
2. Section 390.680(a)(1) was added to explicitly recognize aides who are currently employed by long-term care facilities and are registered on the Department's nurse aide registry. This provision reflects the statutory "grandfathering" provisions and the federal requirements for competency testing prior to July 1, 1990. This added provision reads as follows: "Provide documentation of registration on the Department's Nurse Aide Registry as of July 1, 1990, or later."
3. Section 390.680(a)(2) was revised to include references to the competency evaluation which is required by the new federal training requirements.
4. Three provisions concerning equivalencies to nursing assistant training, which had been proposed in the new long-term care assistants and aides training program rules as Section 395.400(b), were revised and relocated in Section 390.680(a)(3), (4) and (5) of these amendments. These provisions read as follows:

Provide documentation from another state of certification as a nursing assistant on or after January 1, 1990.

Provide documentation of successful completion of a child care/habilitation aide training program approved by another state as evidenced by a diploma or certificate. The documentation must demonstrate that the course is equivalent to, or exceeds, the requirements of the Department's rules governing long-term care

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assistant and aide training programs (77 Ill. Adm. Code 395).

Provide documentation of successful completion of a nursing arts course in an accredited nurse training program as evidenced by a diploma, certificate or other written verification from the school and successful completion of the Department approved nursing assistant competency examination.

5. In Section 390.680(b), (c), and (d), statutory language was capitalized and statutory references were added to indicate language which has been quoted or paraphrased from the Nursing Home Care Act.

6. A new provision was added as Section 390.680(e) to refer to Section 395.200 of the rules for long-term care assistants and aides training programs. This provision requires facilities to notify the Department when they conduct a training program for aides. The added provision reads as follows: "A facility which conducts a training program for child care/habilitation aides shall comply with the applicable provisions of the Department's rules governing training programs for nursing assistants and aides (77 Ill. Adm. Code 395.200)."

Several typographical corrections were also made in response to questions from the Joint Committee on Administrative Rules and the Administrative Code Division. No other changes were made in the text of the amendments.

12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?

The Department has made all the changes to which it agreed with the Joint Committee on Administrative Rules.

13) Will this Rulemaking Replace an Emergency Rule Currently in Effect? No.

14) Are there any other Amendments Pending on this Part? No.

15) Summary and Purpose of Rules:

These amendments are part of an effort by the Department of Public Health to consolidate its rules concerning training programs for nursing assistants and aides in long-term care facilities. The consolidated requirements are contained in a new Part 395. This consolidation of the training program rules in Part 395 should facilitate public understanding of the requirements for nursing assistant training programs.

These amendments to Part 390, which governs the licensure of long-term

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care facilities for persons under age 22, eliminate the provisions which are now included in Part 395. Most of the current text of Section 390.680 is being replaced and relocated into the new Part 395. The remaining provisions of Section 390.680 are limited to the facilities' responsibility to insure that employed aides are qualified and have completed the required training. The provisions which concern the use of student interns are being incorporated into a new Section 390.685. No major substantive changes are being made in the actual content of these rules. Similar amendments to Parts 300, 330, and 350, which govern the licensure of other types of long-term care facilities, are also being adopted.

The Department believes that there will be little, if any, economic effect of these proposed amendments on the regulated public.

16) Information and Questions regarding these Adopted Amendments shall be directed to:

Mr. Robert John Kane
Division of Governmental Affairs
Illinois Department of Public Health
525 West Jefferson, Second Floor
Springfield, Illinois 62761
Telephone: (217) 782-6187

The full text of the Adopted Amendments begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIESPART 390
LONG-TERM CARE FOR UNDER AGE 22 FACILITIES CODE

SUBPART A: GENERAL PROVISIONS

Section	
390.110	General Requirements
390.120	Application for License
390.130	Licensee
390.140	Issuance of an Initial License for a New Facility
390.150	Issuance of an Initial License Due to a Change of Ownership
390.160	Issuance of a Renewal License
390.165	Criteria for Adverse License Actions
390.170	Denial of Initial License
390.175	Denial of Renewal of License
390.180	Revocation of License
390.190	Experimental Program Conflicting With Requirements
390.200	Inspections, Surveys, Evaluations and Consultation
390.210	Filing an Annual Attested Financial Statement
390.220	Information to be Made Available to the Public by the Department
390.230	Information to be Made Available to the Public By the Licensee
390.240	Municipal Licensing
390.250	Ownership Disclosure
390.260	Issuance of Conditional Licenses
390.270	Monitor and Receivership
390.272	Determination to Issue a Notice of Violation or Administrative Warning
390.274	Determination of the Level of a Violation
390.276	Notice of Violation
390.277	Administrative Warning
390.278	Plans of Correction
390.280	Reports of Correction
390.282	Conditions for Assessment of Penalties
390.284	Calculation of Penalties
390.286	Determination to Assess Penalties
390.288	Reduction or Waiver of Penalties
390.290	Quarterly List of Violators
390.300	Alcoholism Treatment Programs in Long-Term Care Facilities
390.310	Department May Survey Facilities Formerly Licensed
390.320	Waivers
390.330	Definitions
390.340	Incorporated and Referenced Materials

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SUBPART B: ADMINISTRATION

Administrator

SUBPART C: POLICIES

390.500	Management Policies
390.610	Resident Care Policies
390.620	Admission and Discharge Policies
390.630	Contract Between Resident and Facility
390.640	Residents' Advisory Council
390.650	General Policies
390.660	Personnel Policies
390.670	Initial Health Evaluation for Employees
390.675	Child Care/Habilitation Aides
390.680	Nurse Aide/Orderly Training Program
390.685	Student Interns
390.690	Disaster Preparedness
390.700	Serious Incidents and Accidents

SUBPART D: PERSONNEL

390.810	General
390.820	Categories of Personnel
390.830	Consultation Services

SUBPART E: HEALTH AND DEVELOPMENTAL SERVICES

390.1010	Service Programs
390.1020	Medical Services
390.1030	Physician Services
390.1035	Tuberculin Skin Test Procedures
390.1040	Nursing Services
390.1050	Dental Care Services
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390.1070	Psychological Services
390.1080	Social Services
390.1090	Speech Pathology and Audiology Services
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SUBPART F: RESTRAINTS AND SAFETY DEVICES,
BEHAVIOR MANAGEMENT, AND BEHAVIOR EMERGENCIES

390.1310	Restraints and Safety Devices
390.1320	Behavior Management

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390.1330 Behavior Emergencies

SUBPART G: MEDICATIONS

390.1410 Medication Policies and Procedures
390.1420 Conformance with Physician's Orders
390.1430 Administration of Medication
390.1440 Labeling and Storage of Medications
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SUBPART H: RESIDENT AND FACILITY RECORDS

390.1610 Resident Record Requirements
390.1620 Content of Medical Records
390.1630 Confidentiality of Resident's Records
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390.1660 Other Resident Record Requirements
390.1670 Staff Responsibility for Medical Records
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SUBPART I: FOOD SERVICE

390.1810 Director of Food Services
390.1820 Dietary Staff in Addition to Director of Food Services
390.1830 Hygiene of Dietary Staff
390.1840 Diet Orders
390.1850 Adequacy of Diet and Meal Pattern
390.1860 Infant and Therapeutic Diets
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390.1890 Food Preparation and Service
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SUBPART J: MAINTENANCE, HOUSEKEEPING, AND LAUNDRY

390.2010 Maintenance
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SUBPART K: FURNISHINGS, EQUIPMENT, AND SUPPLIES

390.2210 Furnishings
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390.2230 Sterilization of Supplies and Equipment

SUBPART L: WATER SUPPLY AND SEWAGE DISPOSAL

390.2410 Codes
390.2420 Water Supply
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SUBPART M: DESIGN AND CONSTRUCTION STANDARDS FOR NEW FACILITIES

390.2610 Applicability of these Standards
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390.2640 Site
390.2650 Administration and Public Areas
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390.2670 Dining, Play, Activity/Program Rooms
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390.2690 Service Departments
390.2700 General Building Requirements
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SUBPART N: DESIGN AND CONSTRUCTION STANDARDS FOR EXISTING FACILITIES

390.2910 Applicability
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390.2940 Site
390.2950 Administration and Public Areas
390.2960 Nursing Unit
390.2970 Play, Dining, Activity/Program Rooms
390.2980 Treatment and Personal Care
390.2990 Service Department
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SUBPART O: RESIDENT'S RIGHTS

390.3210 General
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390.3230	Restraints
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390.3260	Resident's Funds
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390.3290	Private Right of Action
390.3300	Transfer or Discharge
390.3310	Complaint Procedures
390.3320	Confidentiality
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SUBPART P: DAY CARE PROGRAMS

390.3510	Day Care in Long-Term Care Facilities
APPENDIX A	Interpretation and Illustrative Services for Long-Term Care Facility for Residents Under 22 Years of Age
APPENDIX B	Forms for Day Care in Long-Term Care Facilities
TABLE A	Infant Feeding
TABLE B	Daily Nutritional Requirements By Age Group
TABLE C	Sound Transmissions Limitations
TABLE D	Pressure Relationships and Ventilation Rates of Certain Areas for New Long-Term Care Facilities for Persons Under Twenty-Two (22) Years of Age
TABLE E	Sprinkler Requirements
TABLE F	Disaster Preparedness Parameters - Relative Humidity and Temperature

AUTHORITY: Implementing and authorized by the Nursing Home Care Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 4151-101 et seq., as amended by ~~Public Act 85-968, effective December 9, 1987, P.A. Public Act 85-1183, effective August 13, 1988; and P.A. Public Act 85-1378, effective September 1, 1988).~~

SOURCE: Adopted at 6 Ill. Reg. 1658, effective February 1, 1982; emergency amendment at 6 Ill. Reg. 3223, effective March 8, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 11622, effective September 14, 1982; amended at 6 Ill. Reg. 14557 and 14560, effective November 8, 1982; amended at 6 Ill. Reg. 14678, effective November 15, 1982; amended at 7 Ill. Reg. 282, effective December 22, 1982; amended at 7 Ill. Reg. 1927, effective January 28, 1983; amended at 7 Ill. Reg. 8574, effective July 11, 1983; amended at 7 Ill. Reg. 15821, effective November 15, 1983; amended at 7 Ill. Reg. 16988, effective December 14, 1983; amended at 8 Ill. Reg. 15585, 15589, and 15592, effective August 15, 1984; amended at 8 Ill. Reg. 16989, effective September 5, 1984; codified at 8 Ill. Reg. 19823; amended at 8 Ill.

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Reg. 24159, effective November 29, 1984; amended at 8 Ill. Reg. 24656, effective December 7, 1984; amended at 8 Ill. Reg. 25083, effective December 14, 1984; amended at 9 Ill. Reg. 122, effective December 26, 1984; amended at 9 Ill. Reg. 10785, effective July 1, 1985; amended at 11 Ill. Reg. 16782, effective October 1, 1987; amended at 12 Ill. Reg. 931, effective December 24, 1987; amended at 12 Ill. Reg. 16780, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18243, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 6301, effective April 17, 1989; amended at 13 Ill. Reg. 19521, effective December 1, 1989.

NOTE: Italics and capitalization denote statutory language.

SUBPART C: POLICIES

Section 390.680 Child Care/Habilitation Aides
~~Nurse Aide/Orderly Training Program~~

- a) Each of the facility's child care/habilitation aides shall comply with one of the following conditions no later than 45 days after the date of initial employment.
- 1) Provide documentation of registration on the Department's Nurse Aide Registry as of July 1, 1990, or later.
 - 2) Enroll in a child care/habilitation aide training program, in a developmental disabilities aide training program, or in a basic nursing assistant training program, which has been approved by the Department under its rules governing training programs for nursing assistants and aides (77 Ill. Adm. Code 395) and pass the Department approved nursing assistant competency examination. The program coursework shall be successfully completed and the competency examination passed by the child care/habilitation aide no later than 120 days after the date of initial employment, unless the training program is conducted by a community college or other educational institution on a term, semester, or trimester basis.
 - 3) Provide documentation from another state of certification as a nursing assistant on or after January 1, 1990.
 - 4) Provide documentation of successful completion of a child care/habilitation aide training program approved by another state as evidenced by a diploma or certificate. The

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Section 390.680(a)(4) (continued)

documentation must demonstrate that the course is equivalent to, or exceeds, the requirements of the Department's rules governing long-term care assistant and aide training programs (77 Ill. Adm. Code 395).

- 5) Provide documentation of successful completion of a nursing arts course in an accredited nurse training program as evidenced by a diploma, certificate or other written verification from the school and successful completion of the Department approved nursing assistant competency examination.

- b) Each person employed by the facility as a child care/habilitation aide shall meet each of the following requirements:

- 1) BE AT LEAST 16 YEARS OF AGE, OF TEMPERATE HABITS AND GOOD MORAL CHARACTER, HONEST, RELIABLE, AND TRUSTWORTHY. (Section 3-206(a)(1) of the Act)
- 2) BE ABLE TO SPEAK AND UNDERSTAND THE ENGLISH LANGUAGE OR A LANGUAGE UNDERSTOOD BY A SUBSTANTIAL PERCENTAGE OF THE FACILITY'S RESIDENTS. (Section 3-206(a)(2) of the Act)
- 3) PROVIDE EVIDENCE OF EMPLOYMENT OR OCCUPATION, IF ANY, AND RESIDENCE FOR TWO YEARS PRIOR TO INITIAL EMPLOYMENT AS A CHILD CARE/HABILITATION AIDE. (Section 3-206(a)(3) of the Act)
- 4) HAVE COMPLETED AT LEAST EIGHT YEARS OF GRADE SCHOOL OR PROVIDE PROOF OF EQUIVALENT KNOWLEDGE. (Section 3-206(a)(4) of the Act)

- c) THE FACILITY SHALL CERTIFY THAT EACH CHILD CARE/HABILITATION AIDE EMPLOYED BY THE FACILITY MEETS THE REQUIREMENTS OF THIS SECTION. Such certification shall be retained by the facility as part of the employee's personnel record. (Section 3-206(d) and (e) of the Act)

- d) During inspections of the facility, the Department will REQUIRE CHILD CARE/HABILITATION AIDES TO DEMONSTRATE COMPETENCY IN THE PRINCIPLES, TECHNIQUES, AND PROCEDURES covered by the child care/habilitation aide training program curriculum described in the rules governing training programs for nursing assistants and aides (77 Ill. Adm. Code 395), when possible problems in the care provided by child care/habilitation aides or other evidences of inadequate training are observed. Failure to demonstrate competency of the principles, techniques and procedures SHALL RESULT IN THE PROVISION OF IN-SERVICE TRAINING TO THE INDIVIDUAL BY THE FACILITY. The in-service training shall address all of the child care/habilitation training principles, techniques, and procedures contained in the rules governing training

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Section 390.680 (continued)

programs for nursing assistants and aides (77 Ill. Adm. Code 395). (Section 3-206(a)(5) of the Act)

- e) A facility which conducts a training program for child care/habilitation aides shall comply with the applicable provisions of the Department's rules governing training programs for nursing assistants and aides (77 Ill. Adm. Code 395.200).

a)

- 1) Each facility shall ensure that all persons employed as child care/habilitation aides comply with one of the following conditions within 45 days of initial employment: (B, C)

- A) Enroll in a 120-hour Department of Public Health approved Basic Child Care/Habilitation Aide Training Program; Basic Nursing Assistant Training Program; or Basic Developmental Disabilities (DD) Aide Training Program. Such course shall be completed within 120 days of initial employment;
- B) Attend a recognized Child Care/Habilitation Aide Training Program; Basic Nursing Assistant Training Program; or Basic Developmental Disabilities (DD) Aide Training Program registered with the Department of Public Health and successfully complete the Department's proficiency examination;
- C) Successfully complete the Department's proficiency examination; or
- D) Prove exemption from training, by prior work experience as outlined in Section 3-206 of the Act.

- 2) No person who meets the definition of student intern shall be required to complete a current course of training for child care/habilitation aides, or successfully complete the Department's proficiency examination.

- 3) Interns may be utilized for the more basic child care/habilitation aide practices, but will not be allowed to provide (re)habilitation nursing, in-bed bathing, assistance with skin care, foot care, enemas or any medical procedure, except under the direct immediate supervision of a licensed nurse or certified nursing assistant.

- 4) No facility will be allowed to have more than 15% of its child care/habilitation aide work force composed of student interns.

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Section 390.680 (continued)

- ~~b) Requests to establish equivalency shall be submitted to the Department with accompanying documentation. Equivalency may be established by any one of the following: (B)--~~
- ~~1) Documentation of successful completion of a training course approved by another state as evidenced by a diploma or certificate. (The applicant must document that the course is substantially equivalent to the provisions of Section 390.680(f) of this Part.)~~
- ~~Documentation of successful completion of a Basic Child Care/Habilitation Aide Training Program approved by the Department. Approval will be based upon compliance with the provisions of this Section.~~
- ~~3) Documentation of successful completion of a Basic Nursing Assistant Training Program or a Basic Developmental Disabilities (DD) Aide Training Program approved by the Department.~~
- ~~4) Documentation of successful completion of a nursing arts course in an accredited nurse training program as evidenced by a diploma, certificate or other written verification from the school.~~
- ~~5) Documentation of successful completion of a nursing assistant training program approved by the Illinois Board of Education between March 1, 1979 and March 1, 1980 as evidenced by a diploma or certificate.~~
- ~~6) Documentation of one year of employment as a nursing assistant in one facility with an interruption due to sick leave or education leave not exceeding six (6) weeks during the year ending March 1, 1980.~~
- ~~c) Criteria for A State Approved Basic Child Care/Habilitation Aide Training Program are as follows:~~
- ~~1) Application Procedures--~~
- ~~The following information must be furnished to the Department at least sixty (60) days in advance of the training program--~~
- ~~Programs submitted and approved under the Home Health Licensing Act shall be deemed to meet these rules and regulations. Each facility providing its own training must apply for individual program approval. Retroactive approval will not be granted.~~

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Section 390.680 (continued)

- ~~2) Program rationale; i.e., philosophy, purpose and brief summary that identifies sponsoring agency, and faculty qualifications.~~
- ~~3) Complete outline including program title, objectives, content, and methodology delineated by hour. The instructor has flexibility of teaching content in desired outline.~~
- ~~4) Location and scheduled dates of program (including future dates). If programs are canceled or rescheduled for any reason, the Department must be notified prior to delivery date for purposes of monitoring.~~
- ~~5) A copy of the evaluation tool must be included. The evaluation tool must evaluate the objectives, content, clinical performance and instructors.~~
- ~~6) Submitted materials will be reviewed by the Department and the program sponsor will be notified of the Department's action. If the program is not approved, the reason for this decision will be given to the program sponsor.~~
- ~~7) If a program is not approved, the program sponsor may, after making the appropriate modifications, reapply for approval.~~
- ~~8) Orientation to the specific policies of the employing agency shall be in addition to the one hundred twenty (120) hours of instruction.~~
- ~~9) Any change in content, objectives, or instructional staff must be submitted for review.~~
- ~~10) All approved training programs must be resubmitted on an annual basis for continued approval. In the resubmission process, please refer to the number assigned by the Department.~~
- ~~11) A) The course instructor shall be a registered nurse with a current Illinois license who has no other duties while engaged in the training program, and who meets one of the following qualifications:--~~
- ~~1) Valid Illinois teaching certificate or Community College approved instructor with at least one semester of teaching experience.~~

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Section 390.680 (continued)

- ~~ii) Community College approved instructor.~~
- ~~Verification of attendance at the Department Train-~~
- ~~The Trainer Workshop (LPN's who attended prior to the~~
- ~~effective date of the Act shall qualify).~~
- ~~iii) Evidence of at least one semester of formal teaching~~
- ~~experience.~~
- ~~B) Instructors' vitae must be submitted.~~
- ~~12) The basic content must be presented in a minimum time frame of~~
- ~~three (3) weeks, but not to exceed a maximum of one hundred~~
- ~~twenty (20) days unless it is being done by a recognized~~
- ~~educational institution on a term, semester or trimester~~
- ~~basis. A minimum of forty (40) hours of theory including~~
- ~~supervised laboratory experience and a minimum of forty (40)~~
- ~~hours of supervised clinical practice (direct nursing care)~~
- ~~must be reflected in the one hundred twenty (120) hours minimum~~
- ~~of training. The other forty (40) hours may be distributed~~
- ~~whichever way the program wishes between these two (2)~~
- ~~categories. Term, semester and trimester courses may be~~
- ~~submitted by an educational institution. The program must~~
- ~~include designated hours for clinical practice and evidence of~~
- ~~agreements with all outside agencies providing such clinical~~
- ~~practice.~~

~~d) Course Requirements. The Basic Child Care/Habilitation Aide Training~~

~~Program shall include at a minimum:--~~

- ~~1) Orientation.~~
- ~~A) Functions of health care facilities.~~
- ~~B) Health care professions.~~
- ~~C) Philosophy of resident care.~~
- ~~D) The role of the interdisciplinary or multidisciplinary~~
- ~~health care team.~~
- ~~E) Personal qualities of the Aide.~~
- ~~F) Duties of the Aide.~~
- ~~G) Medical terminology.~~

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Section 390.680 (continued)

- ~~4) Record keeping.~~
- ~~1) Residents' rights.~~
- ~~2) Introduction to the resident.~~
- ~~A) Communication and interpersonal relationships with~~
- ~~residents, families and others.~~
- ~~B) Psychological needs of resident and family.~~
- ~~C) Normal growth and development.~~
- ~~D) Characteristics of developmental disabilities and mental~~
- ~~illnesses.~~
- ~~3) Your working environment.~~
- ~~A) Cleanliness in the health care setting.~~
- ~~B) Principles of handwashing.~~
- ~~C) Principles of disinfection.~~
- ~~D) Principles of sterilization.~~
- ~~E) Techniques of disinfection.~~
- ~~F) Maintaining equipment and supplies.~~
- ~~4) Safety.~~
- ~~A) Body mechanics.~~
- ~~B) Fire safety.~~
- ~~C) Disaster.~~
- ~~5) Emergency Medical Procedures.~~
- ~~A) CPR.~~
- ~~B) Seizures.~~
- ~~C) Drug reactions.~~

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Section 390.680 (continued)

- ~~-D) Heimlich maneuver.~~
- ~~-E) Trauma.~~
- ~~-6) The resident's unit.~~
 - ~~-Bedmaking procedures unoccupied and occupied.~~
- ~~-7) Lifting, moving and transporting residents.~~
 - ~~-A) In bed.~~
 - ~~-B) Ambulatory.~~
 - ~~-C) Wheelchair.~~
 - ~~-D) Stretcher.~~
- ~~-8) Basic Anatomy.~~
 - ~~-A) Skeletal System.~~
 - ~~-B) Circulatory System.~~
 - ~~-C) Digestive System.~~
 - ~~-D) Respiratory System.~~
 - ~~-E) Urinary System.~~
 - ~~-F) Functioning of the human body as related to the disease process.~~
- ~~-9) Personal care of the resident.~~
 - ~~-A) Oral hygiene.~~
 - ~~-B) Bathing procedures.~~
 - ~~-C) Care of the back, feet and skin.~~
 - ~~-D) Observing and reporting.~~
 - ~~-E) Personal hygiene.~~
- ~~-10) Nutrition.~~

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Section 390.680 (continued)

- ~~-A) Diets therapeutic diets.~~
- ~~-B) Feeding techniques.~~
- ~~-C) Nourishments.~~
- ~~-D) Fluid intake.~~
- ~~-11) Fluid balance.~~
 - ~~-A) Measuring fluid intake and output.~~
 - ~~-B) Forcing and restricting fluids.~~
 - ~~-C) Specimen collection.~~
- ~~-12) Observing and recording vital signs.~~
 - ~~-A) Taking the temperature.~~
 - ~~-B) Taking pulse.~~
 - ~~-C) Taking respirations.~~
 - ~~-D) Taking blood pressure.~~
 - ~~-E) Recording vital signs.~~
- ~~-13) Supportive care.~~
 - ~~-A) Heat applications.~~
 - ~~-B) Cold applications.~~
 - ~~-C) Enemas.~~
 - ~~-D) The vaginal douche external and internal.~~
 - ~~-E) Preparing the resident for surgery physiologically.~~
 - ~~-F) Preparing the resident for surgery psychologically.~~
 - ~~-G) Care for the post-operative resident's physiological needs.~~
 - ~~-H) Care for the post-operative resident's psychological needs.~~

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Section 390.680 (continued)

- ~~I) Side effects of various medications.~~
- ~~14) Fundamentals of (Re)habilitation.~~
 - ~~A) Physical.~~
 - ~~B) Social.~~
 - ~~C) Psychosocial.~~
 - ~~D) Behavioral.~~
- ~~15) Resident care planning.~~
 - ~~A) Individual Habilitation Plan.~~
 - ~~B) Individual Education Plan.~~
 - ~~C) Admission.~~
 - ~~D) Transfer.~~
 - ~~E) Discharge.~~
 - ~~F) Home visits.~~
- ~~16) The resident in isolation.~~
 - ~~A) Isolation techniques.~~
 - ~~B) Physiological aspects of isolation.~~
 - ~~C) Psychological aspects of isolation.~~
- ~~17) Care of the terminally ill resident.~~
 - ~~A) Psychological needs of the resident.~~
 - ~~B) Psychological needs of the family.~~
- ~~18) Care of the body.~~
 - ~~Postmortem care.~~
- ~~e) Evaluation.~~

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Section 390.680 (continued)

- ~~Upon successful completion of the Basic Child Care/Habilitation Aide Training Program, the student must show competency of relevant skills by demonstrating these skills as well as by passing a written examination encompassing theory and skills taught.~~
- ~~f) Monitoring.~~
 - ~~The Illinois Department of Public Health shall on a random basis monitor the training program. If a monitor finds the training to be inadequate relative to the materials submitted to the Department's Review Committee, program approval may be rescinded.~~
- ~~g) Certificates.~~
 - ~~1) Proof of successful completion of the approved program necessitates the sponsoring organization to award certificates to the trainees. Certificates must be sent to the Department where they will be validated and embossed with the Department's seal. A list of names, with Social Security numbers, course completion date, and program approval number, must accompany submitted certificates. The Department will return the certificates to the sponsor(s) for distribution.~~
 - ~~2) The following minimum information must be typed on the certificates before they are sent to the Department for validation.~~
 - ~~A) Name of the trainee and Social Security number.~~
 - ~~B) Title: Basic Child Care/Habilitation Aide Training Program.~~
 - ~~C) Identification number of the program.~~
 - ~~3) Successful completion of the course does not imply "certification" of the child care/habilitation aide by the State. It only indicates that the person has successfully completed the Basic Child Care/Habilitation Aide Training Program and can be employed by licensed long-term care facilities as a child care/habilitation aide.~~
 - ~~4) Application for approval of programs.~~
 - ~~Requests for approval of programs and other related correspondence are to be submitted to:~~
 - ~~Illinois Department of Public Health~~
 - ~~Office of Health Regulation~~
 - ~~525 West Jefferson Street~~

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Section 390.680 (continued)

~~Springfield, Illinois 62761~~

~~It will not be necessary for any course, currently approved under criteria in effect at the time these revised criteria for Basic Child Care/Habilitation Aide Training Programs become effective, to make any changes in program content until such time as a review by the Department indicates the revisions to the program content are needed to keep the program in compliance with the rules. Any program determined to need changes will be notified in writing, by the Department. Unless and until such written notification is received, there is no need to contact the Department concerning continued approval of a program.~~

i) ~~Recognized Training Program~~

~~1) Any licensed long-term care facility may teach a recognized training program for prospective child care/habilitation aides which can be individualized for each employee and can be taught by any person or persons in the facility.~~

~~2) Any person who attends a recognized training program must successfully pass the Department's proficiency examination before being permitted to function as a certified child care/habilitation aide.~~

~~3) Recognized training programs shall be registered with the Department by letter, and must state that, as a minimum, the course content in 390.680(d) will be taught wholly or in part, give the name of the instructor and give notice that the program is operational.~~

~~4) Recognized training programs must, as a minimum, provide all or part of the course content of an approved Department training program such as in 390.680(d).~~

j) ~~Proficiency Examination for Child Care/Habilitation Aides~~

~~1) Any person employed as a child care/habilitation aide may elect and request to take a proficiency examination in lieu of a course of training as required under section 3-206(a)(5) of the Act.~~

~~2) The person must meet the requirements of Section 3-206(a) (1-4) of the Act and be or will be employed as a child care/habilitation aide.~~

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Section 390.680 (continued)

~~3) A completed application must be presented at the time of the examination on forms provided by the Department.~~

~~4) The proficiency examination will be offered monthly in each of the Department's Regions. A list of test sites, dates and times can be obtained by calling the Department at (217) 785-5133.~~

~~5) The examination will consist of written questions from the approved curriculum as shown in 390.680(d). An examinee must score 70% or more on each section in order to successfully pass the section. Notice of pass or fail will be sent to the examinee and the employer. Only those sections previously failed must be retaken during subsequent attempts to pass the entire proficiency examination.~~

~~6) An examinee who fails the proficiency examination three (3) times within the first forty-five (45) days of employment must enroll in and complete an approved course of instruction in order to become a qualified child care/habilitation aide in accordance with Section 3-206 of the Act.~~

(Source: Section repealed, new Section adopted at 13 Ill. Reg. 19521, effective December 1, 1989)

Section 390.685 Student Interns

a) No person who meets the definition of student intern in Section 390.330 shall be required to complete a current course of training for child care/habilitation aides, or successfully complete the Department's proficiency examination.

b) The facility may utilize interns to perform basic child care/habilitation aide practices (see 77 Ill. Adm. Code 395.320), but shall not allow interns to provide rehabilitation nursing (see 77 Ill. Adm. Code 300.1210(b)), in-bed bathing, assistance with skin care, foot care, enemas, or any medical procedure, except under the direct, immediate supervision of a licensed nurse or certified child care/habilitation aide.

c) No facility shall have more than fifteen percent of its child care/habilitation aide staff positions held by student interns.

(Source: Added at 13 Ill. Reg. 19521, effective December 1, 1989)

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1) Heading of the Part:

Pertussis Vaccine Pamphlet Code

2) Code Citation:

77 Ill. Adm. Code 698

3) Section Numbers:

698.10 New Section
 698.20 New Section
 698.30 New Section
 698.40 New Section
 698.50 New Section
 698.60 New Section
 698.70 New Section
 Appendix A

Adopted Action:4) Statutory Authority:

Pertussis Vaccine Act
 Ill. Rev. Stat. 1987, ch. 111 1/2, par. 7501 et seq.

5) Effective Date of Rules:

January 1, 1990

6) Does this Rulemaking Contain an Automatic Repeal Date? Yes No X

If "yes," please specify date:

7) Does this Rulemaking Contain Any Incorporations by Reference? Yes X No If "yes," please specify type: 6.02(a) or 6.02(b) X

If "6.02(b)" was a copy of the approval form issued by the Joint Committee attached to this rulemaking? Yes X No

8) Date Filed in Agency's Principal Office:

January 1, 1990

9) Date Notice(s) of Proposal was Published in Illinois Register:

May 12, 1989 - 13 Ill. Reg. 7194

10) Has the Joint Committee on Administrative Rules issued a Statement of Objections to this/these Rules? Yes No X

If "yes," please complete the following:

- A) Statement of Objection: , Ill. Reg.
- B) Agency Response: , Ill. Reg.
- C) Date Agency Response Submitted for Approval to the Joint Committee:

11) Difference Between Proposal and Final Version:

The following changes were made in response to comments received during the first notice or public comment period:

1. In Appendix A, page 4, paragraph 2, the Department will replace "high-pitched unusual cries, which last longer than 3 hours and cannot be stopped," with "high-pitched screaming, persistent crying for three or more hours."

The following changes were made in response to comments and suggestions of the Joint Committee on Administrative Rules:

1. The Department added "in the professional judgment of the health care provider," after "information" in Section 698.40(b)(1).
2. The Department capitalized only the first letter of the subheadings and the term "OTHERSTO" will be changed to "OTHERS TO" in the Appendix of this rulemaking.

In addition, various typographical, grammatical and form changes were made in response to the comments from the Administrative Code Division and the Joint Committee on Administrative Rules.

12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?

The Department has made all the changes to which it agreed with the Joint Committee.

13) Will the Rules Replace an Emergency Rule Currently in Effect?Yes No X

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14) Are there any other Amendments Pending on this Part? Yes No X

If Yes:

Section Numbers	Proposed Action	Ill. Reg. Citation
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PART 698
PERTUSSIS VACCINE PAMPHLET CODE

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER K: COMMUNICABLE DISEASE CONTROL AND IMMUNIZATIONS

15) Summary and Purpose of Rules:

This rulemaking attempts to specify the reporting requirements for adverse effects associated with pertussis vaccine and the language of an informational pamphlet on pertussis vaccine. These rules require all health care providers to maintain records on the administration of pertussis vaccine recording and reporting to the Department all major adverse reactions. The contents of the informational pamphlet were developed with comments from interested parties and contain information primarily derived from other publications.

16) Information and Questions regarding this Adopted Rulemaking shall be directed to:

Mr. Robert John Kane, Division of Governmental Affairs, Department of Public Health, 525 West Jefferson, Second Floor, Springfield, Illinois 62761, 217/782-6187.

The full text of the Adopted Rules begins on the next page:

Section
698.10 Applicability
698.20 Definitions
698.30 Pertussis Vaccine Pamphlet
698.40 Health Record - Recording and Reporting
698.50 School Admission - Immunizations
698.60 Liability
698.70 Distribution of Pamphlet By Hospitals

Appendix A Important Information About Pertussis (Whooping Cough) and the Pertussis Vaccine in DPT

AUTHORITY: Implementing and authorized by Pertussis Vaccine Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 7501 et seq.).

SOURCE: Adopted at 13 Ill. Reg. 19543, effective January 1, 1990.

NOTE: Capitalization denotes statutory language or paraphrase thereof.

Section 698.10 Applicability

This Part applies to all facilities, institutions and entities which administer pertussis vaccine in any form.

Section 698.20 Definitions

"Act" means the Pertussis Vaccine Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 7501 et seq.).

"DEPARTMENT" MEANS THE DEPARTMENT OF PUBLIC HEALTH. (Section 2 (b) of the Act.)

"DIRECTOR" MEANS THE DIRECTOR OF PUBLIC HEALTH. (Section 2 (a) of the Act.)

"HEALTH CARE PROVIDER" MEANS ANY LICENSED HEALTH CARE PROFESSIONAL OR PUBLIC OR PRIVATE HEALTH CARE FACILITY IN THIS STATE THAT ADMINISTERS PERTUSSIS VACCINE including local health authorities and designated agencies. (Section 2 (c) of the Act.)

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"MAJOR ADVERSE REACTION" MEANS COLLAPSE OR SHOCK, HIGH PITCHED SCREAMING, PERSISTENT CRYING FOR THREE OR MORE HOURS, EXCESSIVE SOMNOLENCE (SLEEPINESS), TEMPERATURE OF 103 DEGREES, CONVULSIONS WITH OR WITHOUT ACCOMPANYING FEVER OR SEVERE ALTERATIONS OF CONSCIOUSNESS OR ANY SERIOUS ILLNESS, DISABILITY OR IMPAIRMENT OF MENTAL, EMOTIONAL, BEHAVIORAL OR PHYSICAL FUNCTIONING OR DEVELOPMENT, THE FIRST MANIFESTATION OF WHICH APPEARS WITHIN 30 DAYS OF THE DATE OF ADMINISTRATION OF PERTUSSIS VACCINE, AND FOR WHICH THERE IS REASONABLE SCIENTIFIC OR MEDICAL EVIDENCE THAT PERTUSSIS VACCINE CAUSES OR SIGNIFICANTLY CONTRIBUTES TO THE ILLNESS, DISABILITY OR IMPAIRMENT. (Section 2 (d) of the Act.)

"PERTUSSIS VACCINE" MEANS ANY VACCINE CONTAINING A SUBSTANCE INTENDED TO PREVENT THE OCCURRENCE OF PERTUSSIS, WHICH IS ADMINISTERED SEPARATELY OR IN CONJUNCTION WITH OTHER SUBSTANCES INTENDED TO PREVENT THE OCCURRENCE OF OTHER DISEASES. (Section 2 (e) of the Act.)

Section 698.30 Pertussis Vaccine Pamphlet

THE DIRECTOR SHALL PREPARE AND MAKE AVAILABLE UPON REQUEST TO ALL HEALTH CARE PROVIDERS, PARENTS AND GUARDIANS IN THE STATE, A PAMPHLET WHICH EXPLAINS THE BENEFITS AND POSSIBLE ADVERSE REACTIONS TO IMMUNIZATIONS FOR PERTUSSIS. This pamphlet is attached as Appendix A PERTUSSIS VACCINE PAMPHLET.

(Section 3 of the Act)

Section 698.40 Health Record - Recording and Reporting

All health care providers which administer pertussis vaccine shall maintain records of the administration of pertussis vaccine and reactions to the vaccine in the following manner:

- a) UPON ADMINISTERING A PERTUSSIS VACCINE TO A CHILD IN THIS STATE, A HEALTH CARE PROVIDER SHALL RECORD AND RETAIN AS PART OF THE CHILD'S PERMANENT HEALTH RECORD the following information:

- 1) THE DATE THE VACCINE WAS ADMINISTERED,
- 2) THE MANUFACTURER of the vaccine administered,
- 3) A LOT NUMBER AND ANY OTHER AVAILABLE IDENTIFYING INFORMATION OF THE VACCINE THAT WAS ADMINISTERED, AND
- 4) THE NAME, address, telephone number, AND TITLE OF THE HEALTH CARE PROVIDER WHO ADMINISTERED THE VACCINE.

(Section 7 of the Act.)

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- b) Recording and Reporting Major Adverse Reactions. IF, WITHIN 30 DAYS OF ADMINISTERING A PERTUSSIS VACCINE THE HEALTH CARE PROVIDER HAS REASON TO BELIEVE THAT THE RECIPIENT OF THE VACCINE HAS HAD A MAJOR ADVERSE REACTION, THE HEALTH CARE PROVIDER SHALL take the following action:

- 1) RECORD ALL RELEVANT INFORMATION, in the professional judgment of the health care provider, IN THE CHILD'S PERMANENT MEDICAL RECORD, AND
- 2) REPORT THE INFORMATION, INCLUDING THE MANUFACTURER AND LOT NUMBER, TO THE DEPARTMENT. (Section 8 (a) and (b) of the Act.)
The written report shall be on forms provided by the Department containing the following information:

- A) Name and address of the health care provider which administered the pertussis vaccine.
- B) The age, weight, and sex of the recipient of the vaccine.
- C) A description of the major adverse reaction experienced by the recipient of the vaccine and any other information the health care provider determines is relevant.
- D) The manufacturer and lot number of the vaccine administered.

- c) Reporting forms are as follows:

- 1) Adverse Reaction Report (Drugs and Biologicals) FDA 1639 (786) OMB No. 0910-0230, Department of Health and Human Services, Public Health Services Board and Drug Administration (HFN-730) Rockville, MD 20857
- 2) Report of Adverse Event Following Immunization CDC 71.19 Rev. 9-85-OMB No. 0920-0039 (9/87), Department of Health and Human Services, Center for Disease Control, Atlanta, GA 30333

Section 698.50 School Admission - Immunizations

A CHILD SHALL NOT BE REQUIRED TO RECEIVE A PERTUSSIS VACCINE AS A CONDITION FOR ADMISSION TO A PUBLIC OR PRIVATE SCHOOL IF THE CHILD'S HEALTH CARE PROVIDER STATES IN WRITING THAT THE VACCINE IS MEDICALLY CONTRAINDICATED PURSUANT TO SUBSECTION (B)(1) OF SECTION 3 OF THE ACT AND THE REASONS FOR THE MEDICAL CONTRAINDICATIONS, OR IF HIS PARENT OR GUARDIAN HAS SUBMITTED A SIGNED STATEMENT TO SCHOOL OFFICIALS STATING AN OBJECTION TO THE VACCINATION ON RELIGIOUS GROUNDS. (Section 6 of the Act.)

Section 698.60 Liability

NO PHYSICIAN, HOSPITAL NURSE OR OTHER HEALTH CARE PROVIDER SHALL BE LIABLE, NO CAUSE OF ACTION SHALL BE FILED, NO NEW CAUSE OF ACTION SHALL BE CREATED, FOR ANY ACTION OF FAILURE TO ACT REQUIRED BY OR IN CONNECTION WITH SECTION 4 OF THE ACT. (Section 5 of the Act.)

Section 698.70 Distribution of Pamphlet By Hospitals

EVERY HOSPITAL IN THIS STATE LICENSED UNDER THE HOSPITAL LICENSING ACT (111. Rev. Stat. 1987, ch. 111 1/2, par. 142 et seq.) OR "AN ACT IN RELATION TO THE FOUNDING AND OPERATION OF THE UNIVERSITY OF ILLINOIS HOSPITAL AND THE CONDUCT OF UNIVERSITY OF ILLINOIS HEALTH CARE PROGRAMS" (111. Rev. Stat. 1987, ch. 23, pars. 1371 et seq.), SHALL PROVIDE THE PARENTS OR GUARDIANS OF EACH NEWBORN CHILD THE PAMPHLET PURSUANT TO SECTION 3 OF THE ACT. (Section 4 of the Act.)

Appendix A Important Information About Pertussis (Whooping Cough) and the Pertussis Vaccine in DPT

Introduction

This informational pamphlet is being made available to you to explain the benefits and possible side effects to the immunization for pertussis (the DTP shot). As a parent, you need to be aware of the importance of immunization, the possible risk associated with immunization and the risks faced by unprotected children.

Pertussis or whooping cough can be a serious disease. In some persons, especially very young children, it can cause permanent brain damage or even death. In order to protect persons from whooping cough, Illinois immunization rules "Immunizations" (77 Ill. Adm. Code 695) require children to get at least four DTP shots before they go to school. However, not all children should receive the DTP vaccine. In some cases, the "p" part (pertussis) of the DTP vaccine can cause serious reactions, including permanent brain damage or even death (See questions "WHO SHOULD NOT RECEIVE THE DTP VACCINE?", "WHEN SHOULD A CHILD'S DTP SHOTS BE DELAYED?" and "WHICH CHILDREN ARE MORE LIKELY THAN OTHERS TO HAVE A SERIOUS REACTION TO DTP VACCINE?"). So some children should not get the "p" part of the DTP vaccine at all. These children should instead receive pediatric DT (diphtheria and tetanus) in order to have protection against these two diseases. Also, for some children the series of DTP vaccine should be delayed.

It is very important for you to read and to understand the information about whooping cough and the DTP vaccine contained in this pamphlet to protect your child's health. If there is something in this pamphlet you don't understand, ask the person who gave you the pamphlet to explain it.

What Is DTP Vaccine?

DTP is the abbreviation for the combined diphtheria/tetanus/pertussis vaccine generally used to prevent these three serious diseases. This 3 in 1 vaccine is made from inactive toxins and killed germs and does not cause any of the diseases against which it protects. When injected, the vaccine causes the body to create disease-fighting substances called antibodies. Pediatricians advise that children receive five injections of the DTP vaccine prior to entrance into school.

What Is Pertussis (Whooping Cough)?

Pertussis, also known as whooping cough, is a highly contagious disease caused by the bacterium, *Bordetella pertussis*, which is found in the mouth, nose, and throat of a infected person. It is spread to others by sneezing and coughing. The disease begins with cold-like symptoms and progresses to repeated, violent coughing spells, especially at night, which can interfere

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with eating, drinking, breathing, and sleeping. The coughing spells are commonly accompanied at the end by a "whooping" sound while the victim struggles to take a breath. This is why this disease is also known as whooping cough. A child may have as many as 30 or 40 or more coughing fits per day. The disease normally lasts for 4 - 6 weeks.

Why Is It Important To Immunize Children With DTP Vaccine?

Whooping cough used to be an extremely common illness in the U.S. with as many as 250,000 cases reported per year during the 1930's. Widespread use of pertussis vaccine in this country since the late 1940's has contributed to a large reduction in the number of cases and deaths from the disease.

If infants and children were no longer immunized, the number of cases, the complications of illness, and the deaths due to pertussis could again become widespread, as has occurred in countries where usage of the DTP vaccine has decreased. When acceptance for the vaccine declined in Great Britain and Japan during the 1970's each country experienced serious outbreaks of pertussis; thousands of children were hospitalized and many died.

Because whooping cough is highly contagious, protection by vaccine is important for both the child who gets the shot and the community at large.

Must My Child Be Immunized With DTP Vaccine?

Illinois immunization rules "Immunizations" (77 Ill. Adm Code 695) require most children to receive several different immunizations before they can enter school - DTP vaccine is one of them. In order to enter school, at least 4 doses of DTP, at the proper intervals, are required; 5 are recommended.

Not all children are required to get DTP shots. A child may be exempt from Illinois school entrance immunization requirements if he or she meets the appropriate conditions for such an exemption as indicated below:

- the child has any medical condition listed in the section "Who Should Not Receive the DTP Vaccine?";
- the parent or guardian requests an exemption on bona fide religious grounds (in which case the objection must be universal, and not for DTP vaccine alone).

What Are The Risks Of Getting Whooping Cough?

In recent years, according to the Centers for Disease Control (CDC), over 2,000 cases of whooping cough have been reported each year in the U.S. Since

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many cases go unrecognized or unreported, the actual number of cases could be much higher.

At the present time, approximately 30% of reported cases in the U.S. occur in infants less than 6 months old. One-half of the reported cases occur in children less than 1 year of age, and approximately 70% of the cases involve children less than 5 years of age. Whooping cough is 2 1/2 times more common in children less than 1 year of age than in children who are between the ages of 1 - 4. Fatal cases are most likely to occur in children less than 1 year of age. This is why it is important that a child be given the vaccine as early in life as possible.

Older children and adults...even those who have been vaccinated...can also contract the disease and are believed in many cases to be the source of infection in the younger children.

What Are The Possible Dangers Of Whooping Cough?

A severe case of whooping cough can cause grave complications, among them convulsions, pneumonia, and brain damage. These effects are most likely to occur in the very young, and when they do, they can be fatal. An alarming number of whooping cough complications occur in infants younger than 1 year of age:

- more than half of the children are hospitalized (highest in infants less than 6 months of age).
- one out of five children develops pneumonia
- one child out of 40 has convulsions
- one child out of 240 develops disease of the brain or permanent brain damage
- death occurs in one out of 100 infants less than six months of age.

In recent years, an average of 9 deaths due to whooping cough has been reported each year in the U.S. While fatality is low, almost all deaths are among children under 1 year of age, most in those under 6 months.

While there is no specific treatment for whooping cough, prompt medical attention and supportive care can be successful in reducing the severity and complications of the disease.

How Do The Possible Risks Of The DTP Vaccine Compare To The Benefits?

While the chance of your child being harmed from whooping cough is high, the chance of your child being harmed by the DTP vaccine is very low. The possible side effects of the vaccine should be balanced against the risks

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related to the disease. Both convulsions and permanent brain damage occur more frequently following whooping cough disease than after DTP vaccination.

Most U.S. doctors and public health officials believe that the benefits of pertussis vaccine outweigh the risk of reactions to the vaccine for most children.

What Are The Possible Side Effects Of The DTP Vaccine?

Vaccines are among our safest and most reliable medicines. However, vaccines, like all medicines, can cause side effects. With DTP vaccine, most children receive the full series of DTP shots without serious problems. The most common side-effects of DTP vaccine are soreness, redness and swelling at the site of the injection, a slight fever and fussiness. These reactions usually occur within the first 48 hours, are mild, and have a short duration. The frequency of these reactions is higher when more doses of DTP vaccine are given to the child. Less common, but more severe side-effects can occur.

The more serious reactions to the DTP vaccine may include convulsions; shock-collapse (turning blue or pale, limp, non-responsive); a fever of 103° F. or more; high-pitched screaming, persistent crying for three or more hours; or unusually long sleeping with great difficulty in waking the child. Any of these signs should be reported to your doctor or health care provider at once.

Although rare, serious reactions that are possibly related to the vaccine include long-term seizure disorders, brain damage, and even death.

There is a great deal of disagreement over how often these serious reactions happen. The DTP vaccine, and particularly the "p" component, is known to cause serious reactions more often than other vaccines. It is not known how many children develop serious problems after the DTP shot, yet clearly children who receive DTP shots are at somewhat greater risk of serious reactions than those who receive DT shots, without the "p".

Because nervous system disorders such as seizures are typically first noticed in the first year of life, during the same period when three doses of DTP vaccine are given, it has been difficult to determine whether DTP vaccine causes these illnesses or whether their onset is coincidental. The DTP vaccine, therefore, may not necessarily be the cause of these rare problems.

When Should Your Child Receive The DTP Vaccine?

The DTP vaccine is given by injection starting early in infancy. The U.S. Public Health Service and the American Academy of Pediatrics recommend that children receive five injections of the DTP vaccine.

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At least three shots are needed to provide initial protection. Young children should get 3 doses in the first year of life, normally at 2, 4, and 6 months of age, and a fourth dose at about 15 months of age. A booster dose is important for children who are about to enter school, and should be given between the ages of 4 and 6 years.

Because pertussis is not very common or severe in older children, those 7 years of age or older should receive a vaccine that does not contain the pertussis part. The vaccine which contains no pertussis part and a lower concentration of the diphtheria part is called Id vaccine.

Who Should Not Receive The DTP Vaccine?

Before you schedule your child to receive the DTP vaccine, plan to discuss his or her medical history with your doctor or health care provider. Some children should not receive the shot or should have the shot delayed until another time. If your child had a serious reaction following a previous dose of DTP vaccine, he or she should be fully evaluated to clarify his or her medical and neurologic status before a decision is made on continuing the DTP shots.

The use of DTP vaccine for your child needs to be closely evaluated by your doctor or health care provider if:

• he or she has a known problem of the brain or nervous system which is worsening or a seizure disorder which is uncontrolled; or

• he or she has already had an earlier DTP shot and any of the following reactions developed after the shot:

- a measured fever of 103° F. or greater (usually within 48 hours);
- an episode of limpness and paleness;
- a severe allergic reaction to any vaccine component;
- collapse or shock-like state within 48 hours;
- an unusual high-pitched screaming;
- convulsion(s) with or without fever occurring within 7 days; or
- other severe problems of the brain occurring within 7 days, including prolonged sleeping and inability to wake child, unusual twitching of the body or unusual staring;
- persistent crying for 3 hours or more.

Children who have had a convulsion and children who have a brother, sister, or parent who has ever had a convulsion are more likely to have a

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convulsion after receiving DTP vaccine. The Centers for Disease Control (CDC) and the American Academy of Pediatrics recommend that because of the overall risk of pertussis disease and the fact that the risk of convulsions is still very low: (1) children with a personal history of a convulsion and whose nervous system is stable may receive DTP vaccine; and (2) children with a family history of convulsions should receive DTP vaccine. However, you should tell the person who is to give the immunization about such a history and discuss the possibility of using an anti-fever medicine.

Your child should not need further whooping cough vaccination if he or she has had laboratory confirmed whooping cough. This also should be considered with your doctor or health care provider.

If a child should not receive DTP vaccine, he or she should still be protected against diphtheria and tetanus by receiving pediatric DT vaccine rather than DTP.

When Should A Child's DTP Shots Be Delayed?

A child's DTP shots should be delayed if he or she:

- has a fever or ear or chest infection or is sick with an illness more serious than a cold at the proposed time for vaccination, or has not completely recovered from a past illness;
- has had a previous convulsion, seizure, or nervous system illness, until it can be determined that no more seizures are happening and the condition is stable and under control; or
- is taking a drug or undergoing a treatment that lowers the body's resistance to infection, such as cortisone, prednisone, certain anticancer drugs (chemotherapy), or radiation treatments.

A child's shots can be continued after he or she is well and has had a full medical evaluation.

Which Children Are More Likely Than Others To Have A Serious Reaction To DTP Vaccine?

The medical experts do not agree on the reasons why reactions occur following vaccination, nor can they predict in which children serious reactions will occur. But there are some factors which may make children more likely to have serious reactions.

A child may be at higher risk of a serious reaction to the "p" part of the

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DTP vaccine if he or she:

- has had a serious reaction to a previous DTP shot;
- has a neurologic illness, including a history of seizures or convulsions, the severity of which is changing or uncontrolled; or
- has a fever or infection or is sick when the shot is given.

How To Reduce The Risk of A Serious Reaction To DTP Vaccine

It is important that a child's medical history be provided to the doctor or health care provider before he or she receives the DTP vaccine. Such a history should include, but not necessarily be limited to, the following information:

- major birth problems;
- your child's history of convulsions (seizures) or neurological illness;
- any allergy;
- recent or present illness;
- current medicines or treatment, and
- your child's history of previous vaccine reactions.

Besides providing your doctor or health care provider with your child's medical history, there are other things which can be done to reduce the risk of a serious vaccine reaction. Make sure your child has no obvious signs of infection at the time vaccine is given. Many physicians recommend giving acetaminophen (Tylenol, Tempra) at the time of vaccination and 4 and 8 hours later to reduce fever and reactions at the injection site.

What Signs To Look For In A Serious Reaction To Vaccine

It is important to observe your child carefully at periodic intervals during the 30 days after receiving the DTP vaccine, particularly during the first 72 hours. If your child has any of the following symptoms after receiving the DTP shot, write down the details on this form to help you report the correct information to your doctor or health care provider:

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Symptom	Date	Time	Duration	Description
Measured fever nearing 103 degrees Fahrenheit				
High-pitched unusual screaming				
Persistent, inconsolable crying (3 or more hours)				
Inability to wake child; unusually prolonged sleeping				
Shock or collapse; loss of muscle control; turning white, blue or gray; limpness				
Convulsion, seizure; unusual repeated twitching, jerking				
startling, or staring spells				
Loss of sensory or muscle control; paralysis, limping, loss of speech, hearing or sight				
Difficulty or stoppage of breathing				
Severe local reaction; large red, blue or purple coloring with extended swelling near where the shot was given				

If any of these events happen within 30 days after your child gets a DTP shot, call your doctor or health care provider at once. Tell them about the shot, when it was given, and about your child's reaction. Arrange for a prompt examination at the doctor's office, clinic, or emergency room. When things settle down, write down in detail exactly what happened.

Who Should I Report To If My Child Has A Reaction To The DTP Vaccine?

Parents should report any serious reaction occurring within 30 days of the DTP vaccine to their doctor or the health care provider who gave the vaccine. Your doctor or health care provider will report the serious reaction to the Illinois Department of Public Health, through local health authorities. The Illinois Department of Public Health upon receiving the report of the reaction

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Appendix A Important Information About Pertussis (Whooping Cough) and the Pertussis Vaccine in DPT (continued)

Will notify the manufacturer of the vaccine, through the Food & Drug Administration and the Centers for Disease Control (CDC).

Will A More Effective DTP Vaccine Be Available?

Currently, new more purified DTP vaccines are being developed and tested in the United States and in other countries. Adequate tests to ensure that these vaccines will cause fewer reactions and be at least as effective as currently available vaccines require large numbers of test subjects. Several years will be necessary to complete development and to prove the effectiveness and safety of a new vaccine.

Recordkeeping Following A DTP Shot

Each time your child is given a DTP shot, the following information is recorded in a permanent record and is available to you from your doctor or health care provider upon request:

- . the date and time of day the vaccine was administered;
- . the DTP dose number;
- . the name, address, and title of the person who gave the shot;
- . the vaccine manufacturer name;
- . the vaccine lot number; and
- . site of injection

You should keep information concerning the dates of all vaccines given to your child in a permanent immunization record plus the details of any reactions that may occur until your child enters school. A personal immunization card can be provided to you by your local health department, or in areas without a local health department, by contacting the Illinois Department of Public Health Regional Immunization Program Coordinator in your area. The names, addresses and telephone numbers of the above resources can be found in the Section: "What If I Have Additional Questions Regarding DTP Vaccine?"

Immunization Requirements For Entry Into School

Section 27-8.1 of the School Code (Ill. Rev. Stat. 1987, ch. 122, par. 27-8.1) requires that every child, prior to entering any public, private/independent or parochial school in Illinois must have received certain immunizations.

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Appendix A Important Information About Pertussis (Whooping Cough) and the Pertussis Vaccine in DPT (continued)

Proof of having received the vaccine must be verified by the signature of a health provider such as a physician, school health professional, or health official. The written record must show the month, day and year of each immunization, if it cannot otherwise be determined that the vaccine was given after the minimum interval or age.

The following immunizations are currently required in Illinois:

- DTP - at least 4 doses, at appropriate intervals, for students under 6 years of age.
- DT/Td - at least 3 doses, at appropriate intervals, for students 6 years of age or over.
- Polio - at least 3 doses of live oral polio vaccine, at appropriate intervals, for all students.
- Measles - 1 dose of live virus vaccine at fifteen (15) months of age or older (those students who were enrolled in school prior to the 1981-1982 school year and were immunized on or after the first birthday, may be considered immune).
- Rubella - 1 dose of live virus vaccine on or after the first birthday.
- Mumps - 1 dose of live virus vaccine on or after the first birthday.

Exceptions To The Immunization Requirements

Illinois immunization rules "Immunizations" (77 Ill. Adm. Code 695) allow for a child to be exempt from school entrance requirements if:

- the parent or guardian objects to immunizations, in general, because of religious beliefs and practices (the objection must be universal and not just for DTP vaccination alone);
- a physician licensed to practice medicine in all its branches (M.D. or D.O.) indicates, in writing, the medical reason for the child not to get the vaccine;
- the doctor decides that because of your child's particular situation, the risks of the vaccine outweigh the benefits to the child and the public.

Under the Illinois immunization rules, a philosophical or moral reluctance

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Appendix A Important Information About Pertussis (Whooping Cough) and the Pertussis Vaccine in DPT (continued)

exemption will not be acceptable.

What If I Have Additional Questions Regarding DTP Vaccine?

Your family doctor, health care provider, or local health department can supply you with more information about DTP vaccine as well as about the Illinois school entrance immunization law and the other vaccine-preventable diseases.

The names, addresses and telephone numbers of the local health departments and Illinois Department of Public Health Regional Immunization Program Coordinators are as follows:

Names, Addresses And Phone Numbers Of Local Health Departments In Illinois

If the city or county in which you live has no local health department, you may contact the Illinois Department of Public Health's Regional Immunization Program Coordinator in your area who is listed below:

Names, Addresses And Phone Numbers Of Illinois Department Of Public Health Regional Immunization Program Coordinators

Summary

You have the right to receive and understand the information contained in this booklet. If you don't understand any part of it, ask to discuss it before your child receives DTP vaccine. Discuss any questions you may have about the benefits or potential risks of the vaccine with your doctor or health provider.

Before your child receives the DTP vaccine, ask your doctor or health care provider about the treatment of local reactions and fever.

The success of immunizations makes it easy to forget the dangers posed to our children, but whooping cough has not "gone away."

Section NumbersProposed ActionIll. Reg. Citation

15)

Summary and Purpose of Rules:

This rulemaking repeals the existing rules in Part 750. Another rulemaking being published in this issue of the Illinois Register adopts a new Part 750.

16)

Information and Questions regarding this Adopted Rulemaking shall be directed to:

Mr. Robert John Kane, Division of Governmental Affairs, Department of Public Health, 525 West Jefferson, Second Floor, Springfield, Illinois 62761, 217/782-6187.

1) Heading of the Part:

Plumbers Licensing Code

2) Code Citation:

68 Ill. Adm. Code 750

3) Section Numbers:

750.1000
750.1010
750.2000
750.2010
750.2020
750.2030
750.2040
750.3000
750.3010
750.3020
750.3030
750.3040
750.3050
750.3060
750.3070

Adopted Action:

New Section
New Section
New Section
New Section
New Section
New Section
New Section
New Section
New Section
New Section
New Section
New Section
New Section
New Section
New Section
New Section

4) Statutory Authority:

Illinois Plumbing License Law, Ill. Rev. Stat. 1987, ch. 111, par. 1101 et seq.

5) Effective Date of Rules:

December 1, 1989

6) Does this Rulemaking Contain an Automatic Repeal Date? Yes No X

If "yes," please specify date:

7) Does this Rulemaking Contain Any Incorporations by Reference? Yes No X

If "yes," please specify type: 6.02(a) or 6.02(b)

If "6.02(b)," was a copy of the approval form issued by the Joint Committee attached to this rulemaking? Yes No

8) Date Filed in Agency's Principal Office:

December 1, 1989

- g) Date Notice(s) of Proposal was Published in Illinois Register:

May 5, 1989 - 13 Ill. Reg. 6949

- 10) Has the Joint Committee on Administrative Rules issued a Statement of Objections to this/these Rules? Yes _____ No _____

If "yes," please complete the following:

A) Statement of Objection: _____, Ill. Reg.

B) Agency Response: _____, Ill. Reg. _____

C) Date Agency Response Submitted for Approval to the Joint Committee:

- ### 11) Difference Between Proposal and Final Version:

The following changes were made in response to comments received during the first notice or public comment period:

There were no changes.

The following changes were made in response to comments and suggestions of the Joint Committee on Administrative Rules:

To delete the words "in good order" from Section 750.2040(c).

To delete all text after "exceeded" and "100" inserted in lieu thereof in the second sentence of Section 750.3000(b).

To add the following sentence as the third sentence of Section 750.3000(b): "Applicants in excess of 100 shall be scheduled for the next examination(s)."

To amend the last sentence of Section 750.3000(e) to read as follows:
 "(Notarized papers such as "Intent to file for Citizenship Form N-315,
 "Naturalization Papers", shall be submitted to the Department)."

To add the text: "required under subsections (i) and (j)" after "information" in Section 750.3000(f).

To delete "actively" from the first sentence of Section 750.3070 and add the following text to that sentence: "as documented in subsection (i)".

To replace "may" with "shall" in the second sentence of Section 750.3010(h).

To amend the first sentence of Section 750.3020(f) to read as follows:
 "An apprentice plumber who has served an apprenticeship under the supervision/sponsorship of an Illinois Licensed Plumber and has failed the examination three (3) times, shall be called before the department and Board of Plumbing Examiners to determine compliance with this Part and the Illinois Plumbing Code (77 Ill. Adm. Code 890)."

To replace "may" with "shall" in the second to last line of Section 750.3020(f).

To change the word "evaluation" in the last sentence of Section 750.3030(a) to "confirmation".

To revise the text after the first semi-colon in the fourth sentence of Section 750.3030(d) to read as follows: "A failure rate of 25% of the examinees of the examination from the facility in question;"

To delete the second to last sentence of Section 750.3030(d) and insert in lieu thereof the following: "The Department shall notify the training program of all deficiencies. If the deficiencies are not remedied within 90 days, the Department's approval shall be withdrawn in writing."

To add the following text to Section 750.3050(a): "Evidence used by the Department in making such a determination may be: payroll records, time sheets, W-2 forms and documents on file with the Secretary of State."

To delete the word "actively" from Section 750.3050(a).

To add the following text to Section 750.3050(d): "In reaching a finding of adequacy, the Department shall look at such factors as: number of hours worked, types and varieties of plumbing work performed and inspections of finished work."

To delete "when requested by the Department" in the first sentence of Section 750.3070(b) and insert in lieu thereof: "For all persons sponsoring an apprentice".

To add "s" to "record" in the third line of Section 750.2040(c).

To delete the apostrophe in "examinee's" in line 5 of Section 750.3020(e).

To delete the following text from its Authority Note: s" in "Sections" and "pars." and "60(7)".

To add "Training" before "Requirements" in the heading of Section 750.3070.

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In addition, various typographical, grammatical and form changes were made in response to the comments from the Administrative Code Division and the Joint Committee on Administrative Rules.

- 12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?

The Department has made all the changes to which it agreed with the Joint Committee.

- 13) Will the Rules Replace an Emergency Rule Currently in Effect?

Yes No X

- 14) Are there any other Amendments Pending on this Part? Yes No X

If Yes:

Section Numbers	Proposed Action	Ill. Reg. Citation
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- 15) Summary and Purpose of Rules:

These proposed rules establish requirements for governing the activities of the Department and the Illinois State Board of Plumbing Examiners relating to the licensing of plumbers and apprentice plumbers.

Section 750.1000. These rules govern the activities of the Department and the Illinois State Board of Plumbing Examiners relating to the Licensing of Plumbers.

Section 750.1010. The authority for licensing plumbers is in "An Act" in relation to the licensing and regulation of plumbers.

Section 750.2000-2040. The State Board of Plumbing Examiners shall elect officers, fulfill prescribed duties, and hold meetings at each plumbing examination.

Section 750.3000. All applicants to the plumbing examination must submit an application, be qualified as stated in the Illinois Plumbing License Law, bring testing materials to the plumbing examination as requested and take the exam at the predetermined date and location. Results of the plumbing examination will be mailed to each examinee. Those caught cheating at the plumbing examination may be subject to exclusion.

Section 750.3010. The plumbing examination will consist of three parts:

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written questions, drawings and charts, and a practical project. The maximum grade of each part of the examination shall be 100 points. An examinee must make an average of 75 or more to successfully pass.

Section 750.3020. Upon finalization of the examination results, the Department shall by letter notify each examinee of the results of his examination. The examinee shall be entitled to lodge a written complaint concerning the examination, meet with the Department Staff, or with members of the plumbing examiners.

Section 750.3030. An approved course of instruction including time in practical, classroom and theoretical is defined and listed. The method of evaluation by the Department of the training facility, the instructors, and the approved courses, is listed.

Section 750.3040. The type of documentation required to verify participation in a plumbing course or an apprenticeship program is listed.

Section 750.3050. Five ways a licensed plumber may have his license revoked or suspended are listed. These are the loaning of his license failing to correct plumbing code violations, employing unlicensed individuals to install plumbing, failing to properly train an apprentice, and failing to supervise an apprentice.

Section 750.3060. Hearing for persons governed by these Rules shall be conducted in accordance with the Administrative Procedure Act, Illinois Revised Statutes 1977, ch. 127, par. 1001-1021.

Section 750.3070. Requirements pertaining to plumbing firms, associations, partnerships and corporations are listed.

The proposed rules will not impose additional economic effects on the general or regulated public. The proposed rules are general practice procedures within the Department. By having such procedures as rules, the licensing of plumbers by the Department will be consistent.

- 16) Information and Questions regarding this Adopted Rulemaking shall be directed to:

Mr. Robert John Kane, Division of Governmental Affairs, Department of Public Health, 525 West Jefferson, Second Floor, Springfield, Illinois 62761, 217/782-6187.

The full text of the Adopted Rules begins on the next page:

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER IV: DEPARTMENT OF PUBLIC HEALTHPART 750
PLUMBERS LICENSING CODE

SUBPART A: GENERAL

Section
750.1000 Applicability
750.1010 Statutory Authority

SUBPART B: STATE BOARD OF PLUMBING EXAMINERS

Section
750.2000 Election of Officers
750.2010 Duties of Chairman
750.2020 Duties of Vice-Chairman
750.2030 Quorum
750.2040 Meetings

SUBPART C: REQUIREMENTS FOR ADMISSION TO PLUMBING LICENSE EXAMINATION

Section
750.3000 Requirements for Admission to Plumbing License Exam
750.3010 Administration of Plumbing License Examination
750.3020 Examination Results
750.3030 Evaluation of Course of Instruction
750.3040 Course Credit
750.3050 Plumbing License Revocation
750.3060 Administrative Hearings
750.3070 Training Requirements Pertaining to Plumbing Firms

AUTHORITY: Implementing Section 8 (3) of the Illinois Plumbing License Law (Ill. Rev. Stat. 1987, ch. 111, par. 1107(3)) and authorized by Sections 16 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, pars. 16 and 60(7)).

SOURCE: Adopted at 2 Ill. Reg. 40, p. 1, effective October 1, 1978; codified at 5 Ill. Reg. 10870; Part repealed, new Part adopted at 13 Ill. Reg. 19564, effective December 1, 1989.

SUBPART A: GENERAL

Section 750.1000 Applicability

This Part shall govern the activities of the Department and the Illinois State

Board of Plumbing Examiners relating to the licensing of plumbers and apprentice plumbers.

Section 750.1010 Statutory Authority

This Part is promulgated under authority of the Illinois Plumbing License Law (Ill. Rev. Stat. 1987, ch. 111, par. 1101 et seq.).

SUBPART B: STATE BOARD OF PLUMBING EXAMINERS

Section 750.2000 Election of Officers

At the first regularly scheduled meeting of the Board of Plumbing Examiners in each calendar year, the Board shall elect a Chairman and Vice-Chairman.

Section 750.2010 Duties of Chairman

Duties of the Chairman shall be as follows:

- a) To preside over each plumbing license examination given to applicants for a plumber's license.
- b) To preside over each meeting of the Board.
- c) To assure that a quorum of Board members is present at each meeting of the Board and each plumbing license examination.
- d) To assure that at least one member of the Board is present at each hearing held by the Department on the denial, suspension, revocation or reinstatement of plumbing licenses.

Section 750.2020 Duties of Vice-Chairman

Duties of the Vice-Chairman shall be the same as those of the Chairman in the event of the Chairman's absence.

Section 750.2030 Quorum

Five (5) members of the Board shall constitute a quorum.

Section 750.2040 Meetings

- a) If it is necessary to convene a meeting of the Board or hold an examination when the Chairman and Vice-Chairman cannot attend, the Board member with the longest tenure on the Board that attends the meeting shall act as Chairman.
- b) The Board shall meet on the first day of each examination as a

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minimum. Additional meetings may be convened as necessary at the request of the Department.

- c) The Illinois Department of Public Health shall assure that the Board's meeting agenda is prepared; a written record of business conducted at each Board meeting is kept; and the records, files, correspondence and examination data pertaining to the Board of Plumbing Examiners' activities are maintained.
- d) The written record or minutes of each meeting of the Board shall be signed by the Chairman and each Board member present. A copy of the signed record or minutes shall be provided to each Board member.
- e) Records, files, correspondence and examination data pertaining to the Board of Plumbing Examiners shall be filed and secured in the central office of the Department.

SUBPART C: REQUIREMENTS FOR ADMISSION TO PLUMBING LICENSE EXAMINATION

Section 750.3000 Requirements for Admission to Plumbing License Exam

- a) Each person desiring to apply for admittance to the examination for a plumber's license shall file an application for examination on forms provided by the Department. These forms may be obtained by writing to the Illinois Department of Public Health, 525 West Jefferson Street, Springfield, Illinois 62761.
- b) A completed application (with a photograph of the face of the applicant at least 1 1/2 inches by 2 1/2 inches) must be filed at least 30 days prior to the examination date. Applications will be accepted if postmarked prior to the 30-day cutoff date and providing the number of applicants has not exceeded 100. Applicants in excess of 100 shall be scheduled for the next examination. Examination dates shall be established by the Department and the Board. The location and facilities for the examination shall be selected by the Department and shall be announced at the same time as the examination date.
- c) Each applicant must send with the application the \$50.00 application fee with the exception of out-of-state applicants who must submit \$55.00.
- d) Each applicant must have been an Illinois licensed apprentice plumber for at least four years or have submitted evidence that he has successfully completed an approved course of instruction in plumbing as defined in Section 750.3040 (a) and (b) of this Part. An applicant for licensing by the Department as an apprentice plumber shall apply on the application form provided by the Department. The

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application shall verify that the applicant is an employee of an Illinois licensed plumber and contain the name and license number of the licensed plumber.

- e) Each applicant must submit evidence that he is a citizen of the United States or has declared his intention to become one. (Notarized papers such as "Intent To File For Citizenship Form N-315, "Naturalization Paper", shall be submitted to the Department).
- f) A person who possesses a current plumber's license or expired license in a state or municipality other than Illinois which does not have reciprocity with Illinois may be admitted to the examination for an Illinois plumber's license if he submits a copy of his license and information required under subsections (i) and (j) concerning experience in plumbing equivalent to four years licensed apprenticeship. Documents verifying licensure and plumbing work will be considered on an hour for hour basis toward meeting the apprenticeship requirement. The licensing state or municipality must verify to the Department that the licensed plumber was tested to obtain his license and that the test consisted of at least three areas. (See Section 750.3010) - knowledge of plumbing design, practical or working skill evaluation, and knowledge of plumbing standards applicable to the licensing entity's jurisdiction.
- g) A person who has been licensed as a plumber for five (5) consecutive years in a municipality or state other than the State of Illinois, that does not have a licensed apprenticeship program, may be admitted to the Illinois plumbing examination upon submission of written documentation and verification of such licensure from the licensing entity. A copy of the rules from the licensing entity pertaining to the licensing of plumbers and apprentice plumbers, must accompany the examination application.
- h) An applicant from a foreign country, who holds a foreign plumbing license, shall serve a two (2) year licensed apprenticeship in Illinois before being granted admission to the plumbing examination.
- i) A person who submits evidence of experience in plumbing through an apprentice plumbing program in a state or municipality other than the State of Illinois shall be given credit on an hour for hour basis toward the minimum four years apprenticeship required. Credit shall be documented by time sheets/work records from employers and W-2 forms.
- j) A person who submits evidence of classroom and/or laboratory training in a vocational or trade school, a branch of the military service, or a college or university shall be given credit hours at the rate of two credit hours for each classroom hour toward the minimum 5,600

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credit hours required. Evidence shall consist of transcripts, degrees, military service records and/or certificates of completion. If the course submitted by an applicant for the plumbing license examination has already been evaluated and approved by the Department, the applicant need only verify participation in the course.

- k) Each applicant must submit evidence that he has completed at least a two-year course of study in a high school, or an equivalent course of study.
- l) Each applicant who has served an apprenticeship must be able to establish that he was learning by practical experience under the supervision of a licensed plumber as documented in Subsection i). The term of apprenticeship shall be not less than four years (1400 actual working hours per year) to be eligible for admittance to the plumbing exam.
- m) Any applicant who fails to comply with the above requirements or lacks the qualifications will have his application for admittance to the examination denied.

Section 750.3010 Administration of Plumbing License Examination

- a) The examination for a plumber's license shall consist of the following:
 - 1) Written questions (true/false or multiple choice.) Questions will come from the Illinois Plumbing Code or relate to plumbing activities. All applicants shall be required to read the examination questions and write the answers unassisted.
 - 2) Drawings and/or charts. The applicant will be required to finalize charts that show plumbing fixtures and require drainage and vent lines to be indicated.
 - 3) Practical (shop). Projects will be assigned to each applicant requiring copper, cast iron, lead and plastic to be assembled as indicated in the assignment.
- b) An applicant who is handicapped will be assisted with unloading, carrying, and reloading of tools or equipment; but the applicant must take the examination unassisted.
- c) Each applicant will be responsible for providing his own tools and other required material. Each applicant will be advised as to what to bring to the examination.

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- d) No persons other than the Board, Department staff, and those persons directly associated with the examinee for the transport of necessary equipment, are permitted in the examination area.
- e) The maximum grade value of each part of the examination shall be 100 points. An examinee must make an average of 75 or more and a grade of 61 or above on each part of the examination to pass.
- f) An examinee who fails to pass the examination shall be admitted to a subsequent regularly scheduled exam after filing a new application and fee. Such application and fee shall be submitted in accordance with Section 750.3000 (a), (b), and (c).
- g) Examinees who fail to pass the examination for a plumber's license shall retake all parts of the examination.
- h) An examinee who is caught cheating during the course of an examination shall be immediately expelled from the examination in progress and shall appear before the Board of Plumbing Examiners and representatives of the Department on the day that such offense occurs. The Board shall recommend the examination be declared void and/or a hearing be convened by the Department to suspend the apprentice plumber's license if, by a preponderance of evidence, it is determined that the examinee is guilty of cheating. A written record of the proceedings shall be made and become a part of the examinee's file. The Board shall make as a part of the record its recommendations concerning the disposition of the case to the Department. The Board shall be advised of the final decision of the Department concerning the examinee.

Section 750.3020 Examination Results

The name of each examinee and the results of the examination given to each examinee shall be recorded by written report, and such report shall be signed by the presiding Board chairman and each member in attendance. A copy of the signed report shall be provided to the Director of the Department of Public Health. The results of each exam shall be confidential until announced to the examinee. Upon signature by the Director, the examination results report will be considered final and approved by the Board and Department.

- a) Upon finalization of the examination results, the Department shall by letter notify each examinee of the results of his examination.
- b) The application for examination, fee receipt, examination and all other forms or written material pertaining to an examinee shall be kept in the examinee's file maintained by the Department.
- c) An examinee may register a written complaint concerning the

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examination if he is dissatisfied with the grade received or the conduct of the examination. Such complaints must be received by the Department within 30 days after notification of the examination results. Complaints must be factual and state the basis being used by the examinee to allege improper conduct or grading.

- d) Upon receipt of a complaint, the examinee will be scheduled for a meeting with the Board at the next scheduled plumbing examination. The examinee will be provided an opportunity to meet with Department representatives prior to the Board meeting to attempt to resolve the complaint. A record of all such complaints and meetings shall be kept and made part of the examinee's file.
- e) The examinee shall be entitled to a re-examination if the evidence produced before the Board demonstrates (a) that the examinee was compelled by the Department or the Board to take the test under conditions which placed him at a disadvantage in relation to all other examinees; (b) that Board members or Department staff offered any special assistance to other examinees; or (c) that the examinee's test was not evaluated according to the same standard which was applied to the tests of all other examinees. Any errors by the Board or Department, discovered as a result of the review of the examinee's test, shall be corrected.
- f) An apprentice plumber who has served an apprenticeship under the supervision/sponsorship of an Illinois Licensed Plumber and has failed the examination three (3) times, shall be called before the Department and Board of Plumbing Examiners to determine compliance with this part and the Illinois Plumbing Code (77 Ill. Adm. Code 890). The Employer/Sponsor must accompany the apprentice at such hearing. Failure of the examinee to appear may preclude the applicant's admittance to the next examination. If the employer/sponsor fails to appear, he may be subject to license revocation.

Section 750.3030 Evaluation of Course of Instruction

- a) A college, university, trade school or vocational school which has established a program providing for a course(s) of instruction in plumbing may submit a letter to the Department requesting approval or recognition of its program or as an approved course of instruction in plumbing. For a facility to be approved as an approved course of instruction in plumbing, its program must provide for a minimum of 5,600 credit hours of instruction. Approval will be granted based on the information in the letter, confirmation of the instructors' qualifications, and determination that the teaching facility provides both shop and classroom facilities.

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- b) An approved course of instruction in plumbing shall include the following:
 - 1) Public Health and its relationship to plumbing;
 - 2) State of Illinois Plumbing License Law;
 - A) administration and enforcement;
 - B) licensing of apprentice plumbers and plumbers;
 - C) plumbing code requirements;
 - D) plumbing inspection;
 - 3) Basic principles of plumbing;
 - 4) Planning and designing a plumbing system including estimating, installation, repair, maintenance, alteration, extension, and dismantling;
 - 5) Plumbing materials, fixtures, and equipment;
 - 6) Joints and connections;
 - 7) Traps and cleanouts;
 - 8) Interceptors and separators;
 - 9) Hangers and supports;
 - 10) Indirect waste piping and special wastes;
 - 11) Water supply and distribution system;
 - 12) Public and private water supply systems;
 - 13) Drainage system;
 - 14) Private sewage disposal systems, municipal or public sewage disposal systems, and/or sanitary districts;
 - 15) Vents and venting systems;
 - 16) Inspection and testing of a plumbing system;
 - 17) Sciences of pneumatics and hydraulics as they apply to plumbing;

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- 18) Safety devices allied with a plumbing system;
 - 19) Hot water systems and water heaters;
 - 20) Soldering, welding, caulking, and wiping;
 - 21) Copper material plumbing system;
 - 22) Glass material plumbing system;
 - 23) Plastics and thermoplastics material plumbing system;
 - 24) Cast iron plumbing system, including Durham system;
 - 25) Job safety;
 - 26) Use and care of tools and equipment;
 - 27) Handling and disposition of wastes that would damage a plumbing system and sewage disposal facilities;
 - 28) Alternate plumbing systems;
 - 29) Solar plumbing systems; and
 - 30) Pumping of wastes.
- c) Each instructor participating in a course of instruction in plumbing shall be a licensed plumber or an individual possessing a provisional vocational certificate, issued by the Illinois Board of Education, in a field related to plumbing (such as hydraulics, pneumatics, water chemistry, etc.), or an individual who has graduated from a vocational or trade school in the field of plumbing. Verification of such license or certificate shall be required by the Department. A copy of the instructor's teaching license will establish such verification.
- d) The Department shall evaluate a training facility prior to a decision to approve or deny an application. The Department shall evaluate a facility subsequent to an approval of such facility to substantiate the ongoing effectiveness of the training program. The training facility will be evaluated for the type of tools, condition of tools, safety devices and ventilation for the discharge of heat, smoke, and fumes. Such evaluation may be conducted as the result of receipt of complaints; A failure rate of 25% of the examinees of the examination from the facility in question; or as a result of changes in the curriculum. The Department shall notify the training program of all deficiencies. If the deficiencies are not remedial within 90 days

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the Department's approval shall be withdrawn in writing. Upon such action, the training facility shall have the right to request a hearing. See Section 750.3060.

Section 750.3040 Course Credit

If the course claimed for credit by an applicant for the plumbing license examination has already been evaluated and approved by the Department, the applicant need only verify participation in the course. Documentation shall include appropriate copies of W-2 forms verifying employment, time sheets/work records from employers, military records, college transcripts, degrees and/or vocational or trade school transcripts or degrees.

Section 750.3050 Plumbing License Revocation

- a) Any licensed plumber who permits his name or plumbing license number to be used to indicate he is a member of an association, partnership or corporation, and evidence indicates he is not participating in plumbing activities of the association, partnership or corporation shall be subject to license revocation. Evidence used by the Department in making such a determination may be: payroll, records, time sheets, w-2 forms and documents on file with the Secretary of State.
- b) Any licensed plumber who refuses to correct plumbing code violations as requested by the Department, or continues to install plumbing in violation of Plumbing Code requirements shall be subject to license revocation.
- c) Any licensed plumber who employs individuals to install plumbing and fails or refuses to license them as an Illinois Apprentice Plumber, shall be subject to license revocation.
- d) Any licensed plumber who fails to adequately train apprentices under his employment or supervision in a manner qualifying them to pass the Plumbing License examination shall be subject to license revocation. See Section 750.3020(f). In reaching a finding of adequacy, the department shall look at such factors as: Number of hours worked, types and varieties of plumbin work performed and inspections of finished work.
- e) Any licensed plumber who sponsors an apprentice and the apprentice plumber is not under the direct supervision or employment of that plumber, shall be subject to license revocation.

Section 750.3060 Administrative Hearings

Administrative Hearings for persons under this part shall be conducted in

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED RULES

accordance with Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100).

Section 750.3070 Training Requirements Pertaining to Plumbing Firms

- a) At least one member of every firm, association or partnership engaged in plumbing work, and at least one corporate officer of every corporation engaged in plumbing work, shall be a licensed plumber.
- b) For all persons sponsoring an apprentice, documentation shall be submitted showing the current status and position of the licensed plumber, and shall be signed by the president of a firm or association, by a general partner of a partnership, and by the secretary of the board of directors of a corporation. Documentation acceptable to the Department includes the following:

- 1) Corporations: Minutes of the meeting of the board of directors during which a licensed plumber was appointed to fill a corporate office provided for in the by laws of the corporation. By-Laws of the corporation must be submitted in addition to minutes if the licensed plumber is appointed to any corporate office other than president, vice-president, secretary or treasurer.

- 2) Partnerships: A copy of the written partnership agreement. If the written partnership agreement has been executed, a letter describing the partnership, business activities of the partnership, local business licenses, and the status of the licensed plumber within the partnership.

- 3) Firms and Associations: A letter describing the form of business, general business activities, local business licenses, and the status of the licensed plumber within the firm or association. A firm or association which is doing business as a corporation or partnership shall comply with subsections (a) and (b).

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

1) Heading of Part:

Sheltered Care Facilities Code

2) Code Citation:

77 Ill. Adm. Code 330

3) Section Numbers:

330.913

330.916

Adopted Action:

New Section

New Section

4) Statutory Authority:

Nursing Home Care Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 4151-101 et seq., as amended by P.A. 85-1183, effective August 13, 1988, and P.A. 85-1378, effective September 1, 1988)

5) Effective Date of Amendments:

December 1, 1989

6) Does this Rulemaking contain an Automatic Repeal Date? No.7) Does this Rulemaking contain Incorporation by Reference? No.8) Date Filed in Agency's Principal Office:

December 1, 1989

9) Date Notice of Proposal Published in Illinois Register:

June 2, 1989 (13 Ill. Reg. 8336)

10) Has the Joint Committee on Administrative Rules issued a Statement of Objections to this Rulemaking? No.11) Difference Between Proposal and Final Version:

In response to questions from the Joint Committee on Administrative Rules, the Department has made the following changes in these amendments:

1. The first sentence of Section 330.913(d) was revised to read:
"During inspections of the facility, the Department will REQUIRE NURSING AND PERSONAL CARE ASSISTANTS TO DEMONSTRATE COMPETENCY IN THE PRINCIPLES, TECHNIQUES, AND PROCEDURES covered by the basic nursing

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

assistant training program curriculum described in the rules governing training programs for nursing assistants and aides (77 Ill. Adm. Code 395), when possible problems in the care provided by nursing and personal care assistants or other evidences of inadequate training are observed."

2. In Section 330.916(b), the cross-reference "(see 77 Ill. Adm. Code 395.300)" was added after the phrase "basic nursing and personal care assistant practices." In addition, the cross-reference "(see 77 Ill. Adm. Code 300.1210(b))" was added after the phrase "rehabilitation nursing."

The following substantive changes in the text of the amendments were made in response to public comments received during the first notice period:

1. Section 330.913(a)(1) was added to explicitly recognize aides who are currently employed by long-term care facilities and are registered on the Department's nurse aide registry. This provision reflects the statutory "grandfathering" provisions and the federal requirements for competency testing prior to July 1, 1990. This added provision reads as follows: "Provide documentation of registration on the Department's Nurse Aide Registry as of July 1, 1990, or later."

2. Section 330.913(a)(2) was revised to include references to the competency evaluation which is required by the new federal training requirements.

3. Two provisions concerning equivalencies to nursing assistant training, which had been proposed in the new long-term care assistants and aides training program rules as Section 395.400(b), were revised and relocated in Section 330.913(a)(3) and (4) of these amendments. These provisions read as follows:

Provide documentation from another state of certification as a nursing assistant on or after January 1, 1990.

Provide documentation of successful completion of a nursing arts course in an accredited nurse training program as evidenced by a diploma, certificate or other written verification from the school and successful completion of the Department approved nursing assistant competency examination.

3. In Section 330.913(b), (c), and (d), statutory language was capitalized and statutory references were added to indicate language which has been quoted or paraphrased from the Nursing Home Care Act.

4. A new provision was added as Section 330.913(e) to refer to Section

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395.200 of the rules for long-term care assistants and aides training programs. This provision requires facilities to notify the Department when they conduct a training program for aides. The added provision reads as follows: "A facility which conducts a training program for nursing and personal care assistants shall comply with the applicable provisions of the Department's rules governing training programs for nursing assistants and aides (77 Ill. Adm. Code 395.200)."

Several typographical corrections were also made in response to questions from the Joint Committee on Administrative Rules and the Administrative Code Division. No other changes were made in the text of the proposed amendments.

- 12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?

The Department has made all the changes to which it agreed with the Joint Committee on Administrative Rules.

- 13) Will this Rulemaking Replace an Emergency Rule Currently in Effect? No.

- 14) Are there any other Amendments Pending on this Part? No.

- 15) Summary and Purpose of Rules:

These amendments are part of an effort by the Department of Public Health to consolidate its rules concerning training programs for nursing assistants and aides in long-term care facilities. The consolidated requirements are contained in a new Part 395. This consolidation of the training program rules in Part 395 should facilitate public understanding of the requirements for nursing assistant training programs.

These amendments to Part 330, which governs the licensure of sheltered care facilities, add two provisions which will insure that the rules are consistent with the Nursing Home Care Act, with the requirements in the new Part 395, and with the rules governing other types of long-term care facilities. New Section 330.913 requires facilities to insure that employed aides are qualified and have completed the required training. Provisions concerning the use of student interns are being incorporated into a new Section 330.916. Related amendments to Parts 300, 350, and 390, which govern the licensure of other types of long-term care facilities, are also being adopted.

The Department believes that there will be little, if any, economic effect of these proposed amendments on the regulated public.

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- 16) Information and Questions regarding these Adopted Amendments shall be directed to:

Mr. Robert John Kane
Division of Governmental Affairs
Illinois Department of Public Health
525 West Jefferson, Second Floor
Springfield, Illinois 62761
Telephone: (217) 782-6187

The full text of the Adopted Amendments begins on the next page:

TITLE 77 PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER C: LONG-TERM CARE FACILITIES

PART 330
SHELTERED CARE FACILITIES CODE
SUBPART A: GENERAL PROVISIONS

Section
330.110
330.120
330.130
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General Requirements
Application for License
License
Issuance of an Initial License For a New Facility
Issuance of an Initial License Due to a Change of Ownership
Issuance of a Renewal License
Criteria for Adverse License Actions
Denial of Initial License
Denial of Renewal of License
Revocation of License
Experimental Program Conflicting With Requirements
Inspections, Surveys, Evaluations and Consultation
Filing an Annual Attested Financial Statement
Information to Be Made Available to the Public By the Department
Information to Be Made Available to the Public By the Licensee
Municipal Licensing
Ownership Disclosure
Issuance of Conditional Licenses
Monitor and Receivership
Determination to Issue a Notice of Violation or Administrative
Warning
Determination of the Level of a Violation
Notice of Violation
Administrative Warning
Plans of Correction
Reports of Correction
Conditions for Assessment of Penalties
Calculation of Penalties
Determination to Assess Penalties
Reduction or Waiver of Penalties
Quarterly List of Violators
Alcoholism Treatment Programs In Long-Term Care Facilities
Department May Survey Facilities Formerly Licensed
Waivers
Definitions
Incorporated and Referenced Materials

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NOTICE OF ADOPTED AMENDMENTS

SUBPART B: ADMINISTRATION

330.510 Administrator

SUBPART C: POLICIES

330.710 Resident Care Policies
 330.720 Admission and Discharge Policies
 330.730 Contract Between Resident and Facility
 330.740 Residents' Advisory Council
 330.750 General Policies
 330.760 Personnel Policies
 330.765 Initial Health Evaluation for Employees
 330.770 Disaster Preparedness
 330.780 Serious Incidents and Accidents

SUBPART D: PERSONNEL

330.910 Personnel
 330.913 Nursing and Personal Care Assistants
 330.916 Student Interns
 330.920 Consultation Services
 330.930 Personnel Policies

SUBPART E: HEALTH SERVICES AND MEDICAL CARE OF RESIDENTS

330.1110 Medical Care Policies
 330.1120 Personal Care
 330.1130 Communicable Disease Policies
 330.1135 Tuberculin Skin Test Procedures
 330.1140 Behavior Emergencies

SUBPART F: RESTORATIVE SERVICES

330.1310 Activity Program
 330.1320 Work Programs
 330.1330 Written Policies for Restorative Services

SUBPART G: MEDICATIONS

330.1510 Medication Policies
 330.1520 Administration of Medication
 330.1530 Labeling and Storage of Medications

SUBPART H: RESIDENT AND FACILITY RECORDS

330.1710 Resident Record Requirements

330.1720 Content of Medical Records
 330.1730 Records Pertaining to Residents' Property
 330.1740 Retention and Transfer of Resident Records
 330.1750 Other Resident Record Requirements
 330.1760 Retention of Facility Records
 330.1770 Other Facility Record Requirements

SUBPART I: FOOD SERVICE

330.1910 Director of Food Services
 330.1920 Dietary Staff in Addition to Director of Food Services
 330.1930 Hygiene of Dietary Staff
 330.1940 Diet Orders
 330.1950 Adequacy of Diet and Meal Pattern
 330.1960 Therapeutic Diets
 330.1970 Scheduling of Meals
 330.1980 Menu Planning
 330.1990 Food Preparation and Service
 330.2000 Food Handling Sanitation
 330.2010 Kitchen Equipment, Utensils, and Supplies

SUBPART J: MAINTENANCE, HOUSEKEEPING AND LAUNDRY

330.2210 Maintenance
 330.2220 Housekeeping
 330.2230 Laundry Services

SUBPART K: FURNISHINGS, EQUIPMENT, AND SUPPLIES

330.2410 Furnishings
 330.2420 Equipment and Supplies

SUBPART L: WATER SUPPLY AND SEWAGE DISPOSAL

330.2610 Codes
 330.2620 Water Supply
 330.2630 Sewage Disposal
 330.2640 Plumbing

SUBPART M: DESIGN AND CONSTRUCTION STANDARDS FOR NEW SHELTERED CARE FACILITIES

330.2810 Applicable Requirements (Repealed)
 330.2820 Applicability of These Standards
 330.2830 Submission of a Program Narrative
 330.2840 New Constructions, Additions, Conversions, and Alterations
 330.2850 Preparation and Submission of Drawings and Specifications

DEPARTMENT OF PUBLIC HEALTH
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330.2860 First Stage Drawings
330.2870 Second Stage Drawings
330.2880 Architectural Drawings
330.2890 Structural Drawings
330.3000 Mechanical Drawings
330.3010 Electrical Drawings
330.3020 Additions to Existing Structures
330.3030 Specifications
330.3040 Building Codes
330.3050 Site
330.3060 General Building Requirements
330.3070 Administration
330.3080 Corridors
330.3090 Bath and Toilet Rooms
330.3100 Living, Dining, Activity Rooms
330.3110 Bedrooms
330.3120 Special Care Room
330.3130 Kitchen
330.3140 Laundry
330.3150 Housekeeping, Service, and Storage
330.3160 Plumbing
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330.3180 Electrical

SUBPART N: FIRE PROTECTION STANDARDS FOR NEW SHELTERED CARE FACILITIES

330.3310 Applicable Requirements (Repealed)
330.3320 Applicability of These Standards
330.3330 Fire Protection
330.3340 Fire Department Service and Water Supply
330.3350 General Building Requirements
330.3360 Exit Facilities and Subdivision of Floor Areas
330.3370 Stairways, Vertical Openings, and Doorways
330.3380 Corridors
330.3390 Exit Lights and Directional Signs
330.3400 Hazardous Areas and Combustible Storage
330.3410 Fire Alarm and Detection System
330.3420 Fire Extinguishers, Electric Wiring, and Miscellaneous
330.3430 Use of Fire Extinguishers, Evacuation Plan, and Fire Drills

SUBPART O: DESIGN AND CONSTRUCTION STANDARDS FOR EXISTING
SHELTERED CARE FACILITIES

330.3610 Site
330.3620 General Building Requirements
330.3630 Administration
330.3640 Corridors

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330.3650 Bath and Toilet Rooms
330.3660 Living, Dining, and Activity Rooms
330.3670 Bedrooms
330.3680 Special Care Room
330.3690 Kitchen
330.3700 Laundry Room
330.3710 Housekeeping and Service Rooms and Storage Space
330.3720 Plumbing and Heating
330.3730 Electrical

SUBPART P: FIRE PROTECTION STANDARDS FOR EXISTING SHELTERED CARE FACILITIES

330.3910 Fire Protection
330.3920 Fire Department Service and Water Supply
330.3930 Occupancy and Fire Areas
330.3940 Exit Facilities and Subdivision of Floor Areas
330.3950 Stairways, Vertical Openings, and Doorways
330.3960 Exit and Fire Escape Lights and Directional Signs
330.3970 Hazardous Areas and Combustible Storage
330.3980 Fire Alarm and Detection System
330.3990 Fire Extinguishers, Electric Wiring, and Miscellaneous
330.4000 Use of Fire Extinguishers, Evacuation Plan, and Fire Drills

SUBPART Q: RESIDENT'S RIGHTS

330.4210 General
330.4220 Medical and Personal Care Program
330.4230 Restraints
330.4240 Abuse and Neglect
330.4250 Communication and Visitation
330.4260 Residents' Funds
330.4270 Residents' Advisory Council
330.4280 Contract With Facility
330.4290 Private Right of Action
330.4300 Transfer or Discharge
330.4310 Complaint Procedures
330.4320 Confidentiality
330.4330 Facility Implementation

SUBPART R: DAY CARE PROGRAMS

330.4510 Day Care in Long-Term Care Facilities

APPENDIX A Interpretation, Components, and Illustrative Services for Sheltered Care Facilities
APPENDIX B Classification of Distinct Part of a Facility For Different Levels of Service

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APPENDIX C Forms for Day Care in Long-Term Care Facilities
 APPENDIX D Criteria for Activity Directors Who Need Only Minimal Consultation
 TABLE A Disaster Preparedness Parameters--Relative Humidity and Temperature

AUTHORITY: Implementing and authorized by the Nursing Home Care Act (Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 4151-101 et seq., as amended by ~~Public Act 85-969, effective December 9, 1987; P.A. Public Act--~~ ~~Act--~~ 85-1183, effective August 13, 1988; and ~~P.A. Public Act--~~ 85-1378, effective September 1, 1988).

SOURCE: Emergency rules adopted at 4 Ill. Reg. 10, p. 807, effective March 1, 1980, for a maximum of 150 days; adopted at 4 Ill. Reg. 30, p. 933, effective July 28, 1980; amended at 6 Ill. Reg. 5981, effective May 3, 1982; amended at 6 Ill. Reg. 8198, effective June 29, 1982; amended at 6 Ill. Reg. 14547, effective November 8, 1982; amended at 6 Ill. Reg. 14681, effective November 15, 1982; amended at 7 Ill. Reg. 6973, effective January 28, 1983; amended at 7 Ill. Reg. 6973, effective May 17, 1983; amended at 7 Ill. Reg. 15825, effective November 15, 1983; amended at 8 Ill. Reg. 15596, effective August 15, 1984; amended at 8 Ill. Reg. 15941, effective August 17, 1984; codified at 8 Ill. Reg. 19790; amended at 8 Ill. Reg. 24241, effective November 28, 1984; amended at 8 Ill. Reg. 24696, effective December 7, 1984; amended at 9 Ill. Reg. 2952, effective February 25, 1985; amended at 9 Ill. Reg. 10974, effective July 1, 1985; amended at 11 Ill. Reg. 16879, effective October 1, 1987; amended at 12 Ill. Reg. 1017, effective December 24, 1987; amended at 12 Ill. Reg. 16870, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18939, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 6562, effective April 17, 1989; amended at 13 Ill. Reg. 19589, effective December 1, 1989.

NOTE: Italics and capitalization denote statutory language.

SUBPART D: PERSONNEL

Section 330.913 Nursing and Personal Care Assistants

a) Each of the facility's nursing and personal care assistants shall comply with one of the following conditions no later than 45 days after the date of initial employment.

1) Provide documentation of registration on the Department's Nurse Aide Registry as of July 1, 1990, or later.

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 330.913(a) (continued)

- 2) Enroll in a Basic Nursing Assistant Training Program which has been approved by the Department under its rules governing training programs for nursing assistants and aides (77 Ill. Adm. Code 395) and pass the Department approved nursing assistant competency examination. The program coursework shall be successfully completed and the competency examination passed by the nursing and personal care assistant no later than 120 days after the date of initial employment, unless the training program is conducted by a community college or other educational institution on a term, semester, or trimester basis.
- 3) Provide documentation from another state of certification as a nursing assistant on or after January 1, 1990.
- 4) Provide documentation of successful completion of a nursing arts course in an accredited nurse training program as evidenced by a diploma, certificate or other written verification from the school and successful completion of the Department approved nursing assistant competency examination.
- 5) Register for the Department's nursing assistant proficiency examination which must be successfully completed no later than 120 days after the date of initial employment.
 - b) Each person employed by the facility as a nursing and personal care assistant shall meet each of the following requirements:
 - 1) BE AT LEAST 16 YEARS OF AGE, OF TEMPERATE HABITS AND GOOD MORAL CHARACTER, HONEST, RELIABLE, AND TRUSTWORTHY. (Section 3-206(a)(1) of the Act)
 - 2) BE ABLE TO SPEAK AND UNDERSTAND THE ENGLISH LANGUAGE OR A LANGUAGE UNDERSTOOD BY A SUBSTANTIAL PERCENTAGE OF THE FACILITY'S RESIDENTS. (Section 3-206(a)(2) of the Act)
 - 3) PROVIDE EVIDENCE OF EMPLOYMENT OR OCCUPATION, IF ANY, AND RESIDENCE FOR TWO YEARS PRIOR TO INITIAL EMPLOYMENT AS A NURSING ASSISTANT. (Section 3-206(a)(3) of the Act)
 - 4) HAVE COMPLETED AT LEAST EIGHT YEARS OF GRADE SCHOOL OR PROVIDE PROOF OF EQUIVALENT KNOWLEDGE. (Section 3-206(a)(4) of the Act)
 - c) THE FACILITY SHALL CERTIFY THAT EACH NURSING AND PERSONAL CARE ASSISTANT EMPLOYED BY THE FACILITY MEETS THE REQUIREMENTS OF this Section. Such certification shall be retained by the facility as

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 330.913(c) (continued)

part of the employee's personnel record. (Section 3-206(d) and (e) of the Act)

- d) During inspections of the facility, the Department will REQUIRE NURSING AND PERSONAL CARE ASSISTANTS TO DEMONSTRATE COMPETENCY IN THE PRINCIPLES, TECHNIQUES, AND PROCEDURES covered by the basic nursing assistant training program curriculum described in the rules governing training programs for nursing assistants and aides (77 Ill. Adm. Code 395), when possible problems in the care provided by nursing and personal care assistants or other evidences of inadequate training are observed. Failure to demonstrate competency of the principles, techniques and procedures SHALL RESULT IN THE PROVISION OF IN-SERVICE TRAINING TO THE INDIVIDUAL BY THE FACILITY. The in-service training shall address all of the basic nursing assistant training principles, techniques, and procedures contained in the rules governing training programs for nursing assistants and aides (77 Ill. Adm. Code 395). (Section 3-206(a)(5) of the Act)

- e) A facility which conducts a training program for nursing and personal care assistants shall comply with the applicable provisions of the Department's rules governing training programs for nursing assistants and aides (77 Ill. Adm. Code 395.200).

(Source: Added at 13 Ill. Reg. 19580, effective December 1, 1989)

Section 330.916 Student Interns

- a) No person who meets the definition of student intern in Section 330.330 shall be required to complete a current course of training for nursing assistants, or successfully complete the Department's proficiency examination.
- b) The facility may utilize interns to perform basic nursing and personal care assistant practices (see 77 Ill. Adm. Code 395.300), but shall not allow interns to provide rehabilitation nursing (see 77 Ill. Adm. Code 300.1210(b)), in-bed bathing, assistance with skin care, foot care, enemas, or any medical procedure, except under the direct, immediate supervision of a licensed nurse or certified nursing assistant.
- c) No facility shall have more than fifteen percent of its nursing and personal care assistant staff positions held by student interns.

(Source: Added at 13 Ill. Reg. 19580 effective December 1, 1989)

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: PROCEDURES OF THE DEPARTMENT OF STATE POLICE MERIT BOARD
- 2) Code Citation: 80 Ill. Adm. Code 150
- 3) Section Numbers: Adopted Action:
150.670 Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 121, par. 307.8, 307.13 and 307.14
- 5) Effective Date of Rule(s): December 1, 1989
- 6) Does this Rulemaking Contain an Automatic Repeal Date? No
- 7) Does this rule contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: November 10, 1989
- 9) Notice(s) of Proposal Published in Illinois Register:
July 28, 1989, 13 Ill. Reg. 12542
- 10) Has JCAR issued a Statement of Objections to this (these) rule(s)? No
- 11) Difference(s) between proposal and final version:
The word "therefore" has been replaced with the word "therefor" in line 12 of Section 150.670 (a).
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rule replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? Yes
October 20, 1989, 13 Ill. Reg. 16365
- 15) Summary and Purpose of Rule(s):
In a compromise agreement with the Joint committee on Administrative Rules, the Board has outlined the guidelines to be used for the granting of a continuance in disciplinary hearings.

ILLINOIS REGISTER

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF ADOPTED AMENDMENTS

16) Information and questions regarding this adopted rule shall be directed to:

Name: James E. Seiber, Executive Director

Address: 2425 Stevenson Drive, Springfield, IL 62703

Telephone: 217/786-6240

The full text of the Adopted Rule(s) begins on the next page:

ILLINOIS REGISTER

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

SUBTITLE A: MERIT EMPLOYMENT SYSTEMS

CHAPTER IV: DEPARTMENT OF STATE POLICE MERIT BOARD

PART 150

PROCEDURES OF THE DEPARTMENT OF STATE POLICE MERIT BOARD

SUBPART A: DEFINITIONS

Section
150.10 Definitions

SUBPART B: CERTIFICATION FOR APPOINTMENT

Section
150.210 Qualifications
150.220 Selection Procedures
150.230 Recertification
150.240 Probationary Period

SUBPART C: CLASSIFICATION OF RANKS

Section
150.310 Ranks
150.320 Interdivisional Transfers

SUBPART D: CERTIFICATION FOR PROMOTION

Section
150.410 Board Responsibilities
150.420 Eligibility
150.430 Procedures
150.440 Promotion Probationary Period (Repealed)

SUBPART E: DISCIPLINARY ACTION

Section
150.510 Merit Board Jurisdiction
150.520 Discipline Afforded the Deputy Director
150.530 Notification to Suspended Officer

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF ADOPTED AMENDMENT(S)

- 150.540 Petition for Review
- 150.550 Form and Content of Petition for Review
- 150.560 Filing Procedures
- 150.565 Procedure for Processing Petition for Review
- 150.570 Director's Review
- 150.575 Discipline Afforded the Director
- 150.580 Complaint Procedures
- 150.585 Scheduling the Hearing
- 150.590 Notification to Officer

SUBPART F: HEARINGS

- 150.610 Board Docket
- 150.620 Hearing Officer
- 150.630 Pre-hearing Conferences
- 150.640 Motions
- 150.650 Subpoenas
- 150.655 Request for Witnesses or Documents
- 150.660 Evidence Depositions
- 150.665 Hearing Procedures
- 150.670 Continuances and Extensions of Time
- 150.675 Computation of Time
- 150.680 Decisions of the Board
- 150.685 Service and Form of Papers

Appendix A Vision Standards

Appendix B Physical Fitness Standards

AUTHORITY: Implementing Sections 3 through 14 and authorized by Section 8 of "AN ACT in relation to the Department of State Police" (Ill. Rev. Stat. 1987, and 1988 Spp., ch. 121, pars. 307.3 through 307.14 and 307.8, as amended by P.A. 85-1042, effective July 1, 1988.)

SOURCE: Emergency rule adopted at 2 Ill. Reg. 10, p. 206, effective February 24, 1978, for a maximum of 150 days; emergency rules adopted at 2 Ill. Reg. 32, p. 37, effective July 27, 1978, for a maximum of 150 days; emergency rules adopted at 2 Ill. Reg. 51, p. 100, effective December 7, 1978, for a maximum of 150 days; adopted at 2 Ill. Reg. 52, p. 422, effective December 25, 1978; amended at 3 Ill. Reg. 47, p. 86, effective November 12, 1979; emergency amendments at 4 Ill. Reg. 6, p. 284, effective February 1, 1980, for a maximum of 150 days; amended at 5 Ill. Reg. 2739, effective March 2, 1981; amended at 6 Ill. Reg. 10954, effective August 31, 1982; codified at 7 Ill. Reg. 9900; amended at 7 Ill. Reg. 15018, effective November 2, 1983; emergency amendments at 8 Ill. Reg. 379, effective December 27, 1983, for a maximum of 150 days; emergency amendments at 8 Ill. Reg. 3038, effective February 23, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7894, effective May 23, 1984; amended at 9 Ill. Reg. 3721, effective March 13, 1985; amended at 9 Ill. Reg.

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF ADOPTED AMENDMENT(S)

14328, effective September 6, 1985; recodified from the Department of Law Enforcement Merit Board to the Department of State Police Merit Board pursuant to Executive Order 85-3, effective July 1, 1985, at 10 Ill. Reg. 3283; amended at 10 Ill. Reg. 17752, effective October 1, 1986; amended at 11 Ill. Reg. 7760, effective April 14, 1987; amended at 11 Ill. Reg. 18303, effective October 26, 1987; amended at 12 Ill. Reg. 1118, effective December 24, 1987; amended at 12 Ill. Reg. 10736, effective June 13, 1988; amended at 13 Ill. Reg. 5201, effective April 3, 1989; emergency amendment at 13 Ill. Reg. 16607, effective September 29, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 19592, effective December 1, 1989.

SUBPART F: HEARINGS

Section 150.670 Continuances and Extensions of Time

a) ~~The Board, or a Hearing Officer appointed by the Board to conduct a hearing, may, for good cause shown on timely motion after notice to the opposite party, continue or extend any date or proceeding scheduled under this Part-A request for continuance of a hearing is directed to the sound discretion of the Hearing Officer to whom the case has been assigned for hearing. Such request may be granted, for good cause shown, provided the request is received by the Department not less than three (3) days prior to the hearing date unless good cause is shown within the three days or during the hearing due to the need for new evidence, sudden unavailability of counsel, sudden illness of a party, or similar reason. Such request prior to the hearing shall be in writing and shall set forth the grounds alleged therefore. "Good cause" is shown when a Petitioner or Respondent demonstrates a real and compelling need for additional time. "A real and compelling need" includes, but is not limited to, service in the armed forces, serious illness, family death, act of God, relating to either party or that party's attorney.~~

b) ~~Granting or denying a continuance or extension is within the discretion of the Board or the Hearing Officer. No Formal Hearing shall be continued "generally". A continuance, when granted, shall state a date certain, not more than sixty (60) days from the prior hearing date at which time the hearing shall reconvene.~~

c) ~~Except for emergencies, motions for continuances or extensions to be deemed timely filed must be asserted at least 72 hours prior to the scheduled event towards which relief is sought.~~

(Source: Amended at 13 Ill. Reg. 19592, effective Dec. 1, 1989)

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"(Refer to Section 451.110(b) for lane classification requirements)."
Replaced the word "may" with "will" in Section 451.60(a)(6)(A).

Added the following at the end of Section 451.60(a)(8):

"(Refer to Section 451.160(g) for forms required to be posted)."

Added the following at the end of Section 451.60(a)(15):

"Monitoring conducted in marked state vehicles includes unannounced routine visits by area inspectors to check records for proper filing and completion, equipment for proper calibration and operation, and to administer tests to prospective CSTs or those CSTs required to be retested. Monitoring conducted in unmarked vehicles includes unannounced investigations by Department personnel to determine if lanes are performing safety tests in accordance with this Part."

Added the following at the end of the second sentence in Section 451.60(a)(16):

"in accordance with Vehicle Inspection Section Hearings; 92 Ill. Adm. Code 450."

Deleted "the background investigation of the applicant" in Section 451.70(c).

Revised Section 451.70(c) as follows:

"An application is reviewed to determine if the building configurations, equipment and personnel (i.e., at least one CST) meet the requirements of this Part. An interim approval is provided in writing pending the proper installation of the equipment and verification of the building configurations. A Department employee will inspect the location of the equipment (refer to Section 451.110(w) and (y) for location requirements) and the configurations of the

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building (refer to Section 451.110(b) for configuration requirements) before the final approval is granted. All safety test equipment must be permanently installed.

Replaced "approved by the CVSS" with the following in Section 451.70(e):

"Security provided by a bonding company in good standing with the Illinois Department of Insurance."

Added the following at the end of Section 451.70(j):

The first violation by a CST or lane of the provisions of this Part statutorily requires a minimum suspension of 30 days. The length of a first suspension can be extended up to 180 days, usually to 60 days, if evidence in aggravation of the penalty is introduced at the hearing. A prior suspension within a four year period without any other aggravating evidence will result in a 60 day suspension. A violation directly threatening the public safety is considered an aggravation of the penalty. The hearing officer will consider other evidence in aggravation or mitigation of a suspension. Revocation is recommended when suspensions are not correcting improper performance. After two suspensions in a two year period or after repeated suspensions over a longer period, a permit will be revoked upon another violation. Revocation will also be recommended when a pattern of violations indicates that a fraud on the public is being committed. The hearing officer will consider other evidence in aggravation or mitigation when considering revocation of a permit.

Deleted the following in the first sentence of Section 451.70(k):

"suspended or" and "or whose backgrounds or records are such that granting a permit would appear detrimental to the safety test program"

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Added the following at the end of Section 451.70(k):

"The Department will permanently deny an application for permit if the applicant was ever found guilty of a serious violation through the Department's administrative hearing process. Two examples of serious violations may include administering improper safety tests for school buses or supplying entire fleets of vehicles with Certificates of Safety without performing safety tests on the vehicles."

Added the following at the end of Section 451.70(n):

"(Refer to Section 451.160(g), (i), and (j) for permit display requirements.)"

Added the following at the end of the first sentence in Section 451.70(p):

"Advance warning is given by telephone, and area inspectors visit the lane prior to the cancellation. If the inspector feels that the operator is not taking the necessary action to reopen his lane (e.g., having equipment repaired), the CVSS will cancel the permit."

Deleted Section 451.80(d) and renumbered 451.80(e), (f), and (g) as (d), (e), and (f); and deleted "and all supplemental information" after the word "forms" in Section 451.80(e) (which was renumbered to 451.80(d)).

Added the following after the word "Department" at the end of Section 451.80(e) (which was renumbered as Section 451.80(d)):

"to determine if the building configurations and the testing equipment meet the necessary requirements of Section 451.110 to qualify as the type classification requested on the permit application. The Department also verifies that at least one person will become a CST as required in Section 451.70(m)."

Added "in accordance with Section 451.110" at the end of Section 451.100(i).

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Added "refer to subsection (b) for limitations" at the end of Section 451.110(g).

Added the following at the end of Section 451.110(h):

"The lane operator must indicate that he has at least one employee who has been certified as a school bus tester. The lane equipment must be capable of testing a school bus."

Added the following at the end of the first sentence in Section 451.110(o):

"(Refer to subsections (w) and (y) and Section 451.130(b) and (d).)"

Added "(Refer to subsections (w) and (y))" after "approved by the CVSS" in Section 451.110(p).

Added "(Refer to Section 451.Appendix F)" after "approved by the CVSS" in Section 451.110(s).

Added "(Refer to Section 451.Appendix F)" after "approved by the CVSS" in Section 451.110(t).

Revised the first sentence of Section 451.110(y) as follows:

"Every headlight testing and aiming device used must be listed in Section 451.Appendix F and must be installed in the Lane according to the respective manufacturer's specifications."

Added "in accordance with the requirements of this Section" after the word "personnel" in Section 451.110(bb).

Added the following at the end of Section 451.120(k)(2):

"The Department's inspector will confirm that the testing equipment is working in accordance with the manufacturer's specifications as authorized by Section 12-812 of the Illinois Vehicle Equipment Law."

Revised Section 451.130(a)(1) and (2) as follows:

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- 1) "Be at least eighteen years of age; and
- 2) Possess a valid driver's license."

Added the following at the end of Section 451.130(f):

"A CST will be required to pass an exam if he does not test 10% of the vehicles and is either issued warning tickets or citations or has a Vehicle Inspection Report error rate in excess of the statewide average (approximately 10%)."

Deleted the following after the word "Part" in Section 451.130(j):

"(see also Section 13-108 of the Illinois Vehicle Inspection Law regarding administrative hearings)."

Added the following after the word "Part" in Section 451.130(j):

"(see Section 451.70(j) for suspension or revocation procedures)"

Replaced the word "may" with "will" in Section 451.130(o)(3).

Deleted the following from the end of Section 451.140(c):

"and shall only be used as directed by the CVSS"

Revised Section 451.140(d)(2) and (3) as follows and renumbered (3), (4) and (5) as (4), (5) and (6); and replaced the period at the end of subsection (4) with a semicolon.

- "2) Display on front side the State of Illinois seal;

- 3) Measure 3 x 2 3/4 inches."

Added the following to the end of Section 451.140(v):

"If a station owner requests that the

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Certificates of Safety be delivered to his home address or the home address of a designated employee the CVSS will approve the delivery."

Replaced subsection headings for Section 451.150(o) and (p) with the following:

"o) Vehicle Inspection Reports - Rejected Vehicles" and

"p) Vehicle Inspection Reports - Incomplete Vehicles"

Added a new Section 451.25 as follows and added same to the Table of Contents page:

Section 451.25 Incorporation by Reference of Federal Regulations

Whenever this Part refers to the Code of Federal Regulations and that reference incorporates the federal regulations by reference, the federal regulations incorporated shall be that which was effective as of October 1, 1988, not including any later amendments or editions. Copies of appropriate federal regulations are available for inspection at the Department's Commercial Vehicle Safety Section.

Deleted "in accordance with SAE rating" in Section 451.Appendix A(c).

Deleted "when rated in conformance with SAE Standard J537h" in Section 451.Appendix A(f).

Replaced the words "securely attached" with "welded or bolted" in Section 451.Appendix A(h).

Replaced the words, "an adequate" with "a" in the second sentence of Section 451.Appendix A(h); and inserted the following after the second sentence:

"A latch or fastener must be designed in such a fashion as to keep the door closed when in the latched position."

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Deleted the following from the third reject paragraph in Section 451.Appendix A(t):

"or any part(s) are hazardous to pedestrians or cyclists."

Deleted the word "adequately" in the third and fourth sentences in Section 451.Appendix A(bb).

Deleted the Agency Note in Section 451.Appendix(dd).

Deleted the word "adequately" in Section 451.Appendix A (ff).

Deleted the word "excessive" in the second paragraph of Section 451.Appendix A(rr)(1)(B).

Deleted the following text from paragraph one after the word "unit" in Section 451.Appendix A(ccc):

" , including meeting the pertinent tests indicated below, which are specified in ANSI Standard Z26.1-1966 (R 1973), Z26.1a-1969, and are grouped in Table No. 1 of that standard. Glazing shall be identified as shown below:"

Revised the second paragraph of Section 451.Appendix A(ccc) as follows:

"Glazing shall be marked as follows pursuant to 49 CFR 571.205:"

Deleted the last paragraph of Section 451.Appendix A(ccc) which read as follows:

"In addition, any exposed layer of a multiple glazed unit shall be identified in conformance with 49 CFR 571.205 (1987)"

Revised the third sentence of the first paragraph and second paragraph of Section 451.Appendix B(x) as follows:

"The floor covering in the aisle shall be nonskid, wear resistant, fire resistant and rib type. The aisle floor covering shall have a

minimum thickness of .140 inches. All floor coverings must be permanently bonded to the floor and must not crack when subjected to sudden changes in temperature."

Deleted "(1987)" from the CFR citations in the following subsections:

- 451.Appendix A(d)
- 451.Appendix A(e)
- 451.Appendix A(i)(7) - twice
- 451.Appendix A(m)(1) - twice
- 451.Appendix A(n)
- 451.Appendix A(q)
- 451.Appendix A(z)(1)
- 451.Appendix A(z)(5)
- 451.Appendix A(ee)
- 451.Appendix A(hh)(1)
- 451.Appendix A(hh)(2)
- 451.Appendix A(hh)(3)
- 451.Appendix A(hh)(4)
- 451.Appendix A(hh)(5)
- 451.Appendix A(hh)(7)
- 451.Appendix A(hh)(9)
- 451.Appendix A(hh)(10)
- 451.Appendix A(hh)(11)
- 451.Appendix A(hh)(12)
- 451.Appendix A(hh)(14)
- 451.Appendix A(hh)(16)
- 451.Appendix A(hh)(19)
- 451.Appendix A(hh)(20) - twice
- 451.Appendix A(jj)(1)(A)
- 451.Appendix A(jj)(1)(D)
- 451.Appendix A(aaa)
- 451.Appendix A(bbb)(3)

- 451.Appendix B(d)
- 451.Appendix B(e)
- 451.Appendix B(i)(7)
- 451.Appendix B(n)
- 451.Appendix B(q)
- 451.Appendix B(z)(5)
- 451.Appendix B(hh)(19)
- 451.Appendix B(hh)(20)
- 451.Appendix B(jj)(1)(A)
- 451.Appendix B(oo)
- 451.Appendix B(qq)

The Department made the following change in the phone number of the contact person in item #16 of this Notice:

Changed from "782-2920" to "785-3064"

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12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued to JCAR? Yes.

13) Will this rule replace an Emergency Rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and purpose of rules:

This Part will replace Part 452, "Vehicle Inspection Stations Governing School Buses." The Notice of Adopted Repealer for Part 452 is being published in this same issue of the Illinois Register. The significant differences in the Department's rules on vehicle inspections are highlighted in the Section-by-Section analysis found below to aid the reader in identifying new provisions not included in the old Part (452) on vehicle inspections.

This rulemaking establishes administrative requirements for operating an Official Testing Station. The qualifications that an applicant and a Lane must meet are set out in detail. The Department has summarized the provisions contained in this Part as follows:

Section 451.10, Purpose and Scope, explains what the Part intends to do.

Section 451.20, Application, lists the persons who will be affected by the requirements of this Part.

Section 451.30, Standards of Construction, explains the guidelines that the Department used in constructing the Part.

Section 451.40, Address for Correspondence, is necessary for the correct disposition of correspondence between the Official Testing Stations and the Department. This provision includes a name and address change. The Vehicle Inspection Section (VIS) has been changed to the Commercial Vehicle Safety Section (CVSS). This Section also includes a change of mailing address.

Section 451.50, Definitions, identifies necessary words and phrases used throughout this Part.

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Section 451.60, Supervision of Official Testing Station and Enforcement of Department Policies, identifies the responsibilities of employees of the CVSS.

Section 451.70, Permit Application Procedures and Operating Requirements for Official Testing Stations, contains the procedures and requirements which must be followed in order to establish an Official Testing Station. The provisions which are new to this Section are as follows:

- The requirement to forward photographs for B1, B2, and D Lanes has been added.
- An additional fee will be required to amend or change an existing permit.
- Public Lanes are required to test without appointment during normal working hours.
- Private Lanes are required to submit, on an annual basis, the storage locations of their vehicles. Information on storage locations are necessary so that fleet inspections can be performed by Department personnel.

Section 451.80, Applicant Qualifications for Official Testing Station Permit, contains the qualifications which must be met by the applicant before an Official Testing Station Permit is issued.

Section 451.90, Official Testing Station Requirements, contains the construction and maintenance requirements necessary to become an Official Testing Station. A new provision concerning minimum dimensions for the Station Lane approach has been added.

Section 451.100, Official Testing Station Lane Requirements, contains general requirements that the Official Testing Lane must meet in order to receive a permit. Some of these requirements include maintaining a clean and properly lit Lane.

Section 451.110, Lane Classifications, Specifications, and Safety Test Equipment, contains the provisions requiring the qualifying dimensions and necessary equipment for Official Testing Station Lanes. Two new provisions have been added to this Section. They are as follows:

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- B1 and B2 Lane classifications have been added to increase capabilities of existing B Lanes; and
- D Lanes are public Lanes authorized to test only School Buses.

Section 451.120, Responsibilities of Official Testing Station Owner, contains practices and procedures an owner must follow in order to operate an Official Testing Station. The Department added a provision that obligates the Official Testing Station owner to charge only those rates approved and posted by the owner.

Section 451.130, Responsibilities of Certified Safety Tester (CST), explains what is necessary for a person to obtain and maintain CST certification. The Department added the following new provision to this Section: A CST's permit becomes void if that person's driver's license is suspended, cancelled or revoked.

Section 451.140, Certificate of Safety, describes the necessary procedures for ordering, completing and issuing Certificates of Safety. This Section also lists mandatory security and inventory measures, and describes the physical characteristics of the Certificate itself.

Section 451.150, Completion Procedures for Vehicle Inspection Report (VIR), provides detailed information for completing each field on a VIR. This Section also includes all necessary information for filling out the VIR, including proper distribution and filing. A new provision under this Section describes Field 22 which is mandatory for all Lanes other than private Lanes.

Section 451.160, Official Testing Station Forms, Records and Reports, lists all forms, records and reports necessary for the operation of an Official Testing Station. This Section also includes requirements for posting, securing and maintaining necessary records and reports. This Section also provides for Form SVI-1274 which was created by combining two previous forms, SVI-1274 and SVI-1275. The receipt is now included on the new Form SVI-1274.

Section 451.160, Inspection Procedures/Specifications for Type I School Buses, has been reformatting. The "original" and "regular" inspection columns have been

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deleted and replaced with a three column format with the headings "Subject," "Procedures/Specifications" and "Reject Vehicle If." This Section alphabetically lists all components that must be inspected by a Certified Safety Tester on a Type I School Bus. Provisions new to Appendix A are as follows:

- Illinois certification provisions have been established for new and used buses manufactured to meet the standards of another state. For example, if a bus is purchased for use in Illinois, it may have to be altered before Illinois certification is awarded.
- provisions have been established for School Buses which use propane as the main fuel source. These provisions emphasize venting the discharge for propane fuel.
- The Department added lettering requirements on the right exterior side of Type I School Buses.
- New provisions have been established approving the use of radial and bias construction tires on the same vehicle. Certain limitations still apply when "mixing" bias and radial tires.

Section 451.160, Inspection Procedures/Specifications for Type II School Buses, alphabetically lists all components that must be inspected by a Certified Safety Tester on a Type II School Bus. This Section is also organized in the new format with two column headings entitled "Subject," and "Procedures/Specifications." The rejection procedures are usually the same as those used in the inspections of Type I School Buses. When these procedures are the same, the statement "Reject Procedures same as in Appendix A (specific subsection)" is used. If they are not the same, the specific rejection criteria is noted. The new provision added to Appendix B is as follows: Buses manufactured after April 1, 1977, are not required to have guard barriers.

Section 451.160, Inspection Procedures/Specifications for Type I Special Education School Buses, was reorganized in the new three column format with the headings of "Subject," "Procedures/Specifications" and "Reject Vehicle If." This Section alphabetically lists all components that must be inspected by a Certified Safety Tester on a Type I Special Education School Bus.

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TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER e: TRAFFIC SAFETY (EXCEPT HAZARDOUS MATERIALS)

PART 451
VEHICLE INSPECTIONS

Section 451.10 Appendix D, Inspection Procedures/Specifications for Type II Special Education School Buses, is reorganized in the new two column format with the headings of "Subject," and "Procedures/Specifications." The rejection procedures are usually the same as those used in Appendix C. When the procedures are the same, the statement, "Reject Procedures same as in Appendix C (specific citation)" is used. If the procedures are not the same, the specific rejection criteria is noted. This Section alphabetically lists all components that must be inspected by a Certified Safety Tester on a Type II Special Education School Bus.

Section 451.10 Appendix E, Driver's Pre-Trip Inspection, contains the legislatively mandated requirement (Section 13-115 of the Illinois Vehicle Inspection Law) to perform daily pre-trip inspections on School Buses. This Section provides guidelines for performing this inspection as well as inventory requirements for the report. This Section also provides specific required items to be inspected daily.

Section 451.10 Appendix F, Authorized Inspection Equipment, lists authorized inspection equipment that Lanes shall use to perform safety inspections.

Section 451.10 Appendix G, Illinois Minimum Standards for School Bus - Van type Conversion 1-16 Passengers Purchased Prior to September 1974, is included in this Part in case these vehicles are still being used in Illinois.

16) Information and questions regarding these adopted rules shall be directed to:

Ms. Cathy Allen
Commercial Vehicle Safety Section
Department of Transportation
Division of Traffic Safety
P.O. Box 19212
Springfield, Illinois 62794-9212
(217) 785-3064

By Messenger:

320 W. Washington
6th Floor
Springfield, Illinois

The full text of the Adopted Rules begins on the next page:

Section 451.10	Purpose and Scope
451.20	Application
451.25	Incorporation by Reference of Federal Regulations
451.30	Standards of Construction
451.40	Address for Correspondence
451.50	Definitions
451.60	Supervision of Official Testing Station and Enforcement of Department Policies
451.70	Permit Application Procedures and Operating Requirements for Official Testing Stations
451.80	Applicant Qualifications for Official Testing Station Permit
451.90	Official Testing Station Requirements
451.100	Official Testing Station Lane Requirements
451.110	Lane Classifications, Specifications and Safety Test Equipment
451.120	Responsibilities of Official Testing Station Owner
451.130	Responsibilities of Certified Safety Tester
451.140	Certificate of Safety
451.150	Completion Procedures for Vehicle Inspection Report
451.160	Official Testing Station Forms, Records and Reports
APPENDIX A	Inspection Procedures/Specifications for Type I School Buses
APPENDIX B	Inspection Procedures/Specifications for Type II School Buses
APPENDIX C	Inspection Procedures/Specifications for Type I Special Education School Buses
APPENDIX D	Inspection Procedures/Specifications for Type II Special Education School Buses
APPENDIX E	Driver's Pre-Trip Inspection Requirements
APPENDIX F	Authorized Inspection Equipment
APPENDIX G	Illinois Minimum Standards for School Bus - Van Type Conversion 1-16 Passengers Purchased Prior to September 1974
ILLUSTRATION A	Stop Arm Panel
ILLUSTRATION B	Exhaust Guidelines

AUTHORITY: Implementing and authorized by Section 6-401 of the Illinois Driver Licensing Law (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-401), Article VIII of the Illinois Vehicle Equipment Law (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 12-800 et seq.), and the Illinois Vehicle Inspection Law (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 13-100 et seq.).

SOURCE: Adopted at 13 Ill. Reg. 19597, effective December 1, 1989.

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Section 451.10 Purpose and Scope

This Part prescribes the requirements of the Illinois Department of Transportation governing:

- a) Implementation of Article VIII, the Illinois Vehicle Equipment Law (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 12-800 et seq.);
- b) Implementation of the Illinois Vehicle Inspection Law (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 13-100 et seq.);
- c) Operations of Official Testing Stations;
- d) Inspection procedures for school buses;
- e) Inspection procedures for special education school buses; and
- f) Performance of the daily pre-trip inspection by school bus drivers.

Section 451.20 Application

- a) This Part applies to the following persons:
 - 1) Department personnel;
 - 2) Owner(s) of Official Testing Stations;
 - 3) Employees of Official Testing Stations;
 - 4) School bus operation managers;
 - 5) School bus drivers; and
 - 6) Persons authorized to perform inspection and maintenance of school bus braking systems.
- b) Sections 451.10 through 451.160 apply to the following vehicles:
 - 1) Second division vehicles (unless exempted by Section 13-101 of the Illinois Vehicle Inspection Law);
 - 2) School buses; and
 - 3) Rebuilt vehicles.
- c) Appendix A through Illustration B apply to school buses.

Section 451.25 Incorporation by Reference of Federal Regulations

Whenever this Part refers to the Code of Federal Regulations and that reference incorporates the federal regulations by reference, the federal regulations incorporated shall be that which was effective as of October 1, 1986, not including any later amendments or editions. Copies of appropriate federal regulations are available for inspection at the Department's Commercial Vehicle Safety Section.

Section 451.30 Standards of Construction

- a) "Shall" and "must" are used in the imperative sense. "Shall" imposes an obligation to act. "Must" defines a condition that is to be satisfied. "May" allows permissiveness under terms specified in the standards. "Will" indicates intention, promise or willingness.
- b) Words imparting the masculine gender include the feminine.
- c) Changes in the administration of the State school bus inspection program and changes to federal and state law have caused the purchase

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or manufacture date of school buses to be critical in the application of this Part. The effective dates for some of these standards will vary.

- 1) Exemptions to some standards are provided for school buses purchased prior to September 1974, the effective date of the Department's "Vehicle Inspection Stations Governing School Buses."
- 2) Exemptions to some standards are provided for school buses manufactured prior to March 1977, the date of the Department's Order "Minimum Safety Standards for Construction of Type I School Buses."
- 3) Exemptions are provided for Type II school buses manufactured prior to October 1978, the date of the Department's Order "Minimum Safety Standards for Construction of Type II School Buses."
- 4) Some standards are identified with other effective dates. These standards are applicable to all school buses manufactured or purchased after the identified date or during the time frame specified.

Section 451.40 Address for Correspondence

All business and correspondence pertaining to the operation of an Official Testing Station and vehicle inspections shall be addressed to:

Department of Transportation
Division of Traffic Safety
Commercial Vehicle Safety Section
P.O. Box 19212
Springfield, Illinois 62794-9212

Section 451.50 Definitions

"Administrative Hearing" - Proceedings in which witnesses are heard, evidence is presented, and testimony is taken relative to:
Citation/Complaints issued by the Department to Official Testing Station personnel for alleged violation of Section 13-100 et seq. of the Illinois Vehicle Inspection Law or of this Part.
Petitions presented by Official Testing Station owners for approval of testing fee schedules.
Petitions presented by Official Testing Station owners or applicants for reconsideration of revocation or denial of their Station Permits.

"Applicant" - Any individual owner, partners, authorized agent of a corporation, or lessee applying for an Official Testing Station Permit.

"Authorized Inspection Equipment" - Those testing and measuring

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devices approved and required by the Department's Commercial Vehicle Safety Section for the required test procedure. (See Appendix F for approved list.)

"Body" - Portion of vehicle that encloses the occupant and cargo spaces and separates those spaces from the chassis frame, engine compartment, driveline, and other chassis components, except certain chassis controls used by the driver.

"Body-on-Chassis" - Completed vehicle consisting of a passenger seating body mounted on a truck type chassis (or other separate chassis) so that the body and chassis are separate entities, although one may reinforce or brace the other.

"Bus" - Every motor vehicle, other than a commuter van, designed for carrying more than ten persons. Section 1-107 of the Illinois Vehicle Code (the Code) (Ill. Rev. Stat. 1987, ch. 95 1/2, par 1-107)

"Certificate of Safety" - The authorized visible symbol furnished by the Department's Commercial Vehicle Safety Section to an Official Testing Station which is to be directly affixed by a Certified Safety Tester to a vehicle which meets the minimum prescribed safety standards established by the Department's Commercial Vehicle Safety Section (see Appendices A, B, C and D).

"Certified Safety Tester" (CST) - An individual who has passed a written exam and has demonstrated proficiency in the operation of authorized safety test equipment and has been issued evidence and authority by the Department.

"Certified Safety Tester Certificate" - Evidence issued by the Department to a Certified Safety Tester granting the individual named thereon the privilege and authority to test vehicles.

"Chassis" - Every frame or supportive element of a school bus that contains but is not limited to the axles, engine, drive train, steering components, and suspension which the body is attached to. (Section 1-110.1 of the Code)

"Citation/Complaint" - A formal statement charging that an act of commission or omission constituting a violation of Section 13-100 et seq. of the Illinois Vehicle Inspection Law or this Part was committed by Official Testing Station personnel. The Citation and Complaint will also contain an official summons to appear or otherwise plead, as well as a statement of the relief sought by the Department.

"Code" - The Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 1-100 et seq.)

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"Commercial Driver Training Car" - Any commercial vehicle or vehicle of the second division used in the preparation of an applicant for examination given by the Secretary of State for a driver's license or permit. Vehicles owned by public schools or educational institutions are exempt from inspection. (Section 6-401 of the Code)

"Commercial Vehicle Safety Section" (CVSS) - A section of the Bureau of Safety Programs of the Division of Traffic Safety of the Illinois Department of Transportation. Formerly known as the Vehicle Inspection Section.

"Department" - The Department of Transportation of the State of Illinois, acting directly or through its authorized agents or officers. (Section 13-100 of the Illinois Vehicle Inspection Law)

"Director" - The Director of the Division of Traffic Safety for the Illinois Department of Transportation.

"Division" - Division of Traffic Safety for the Illinois Department of Transportation.

"Empty Weight" - Unloaded vehicle weight; i.e., the weight of a vehicle with maximum capacity of all fluids necessary for operation of the vehicle but without cargo or occupant.

"Federal Motor Vehicle Safety Standards" - (FMVSS) - The rules, regulations and standards set forth in 49 CFR 571.

"Illinois Vehicle Equipment Law" - Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 12-100 et seq.

"Illinois Vehicle Inspection Law" - Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 13-100 et seq.

"Incomplete Vehicle" - An assemblage consisting, as a minimum, of frame and chassis structure, power train, steering system, suspension system, and braking system, to the extent that those systems are to be part of the completed vehicle, that requires further manufacturing operations (other than the addition of readily attachable components such as mirrors or tire and rim assemblies or minor finishing operations, such as painting) to become a completed vehicle for use in Illinois.

"Lane" - Clearly defined area within the building of an Official Testing Station within which all authorized safety test equipment is installed or located and within which all vehicle safety tests shall be conducted.

"Manufacturer" - (unless otherwise indicated at the point of use)

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means the person or organization whose name following "MANUFACTURED BY" or "MFD BY" on the federal and state certification label.

"Newton" (N) - Metric unit of force and weight. N = mass multiplied by the standard acceleration of free fall, or "gravity" (i.e., 9.8).

"Official Records" - Those forms furnished by the Department's Commercial Vehicle Safety Section which have been completed incidental to the operation of an Official Testing Station.

"Official Testing Station" (the Station) - All contiguous real and personal property which houses the testing lane(s) and any and all equipment and supplies relating to the safety testing of vehicles.

"Official Testing Station Permit" (Permit) - Evidence issued by the Commercial Vehicle Safety Section granting the owner named thereon the privilege of serving as an agent of the State of Illinois within the limitations set forth in the Section 13-103 of the Illinois Vehicle Inspection Law and this Part.

"Owner" - Any individual, partners, authorized agent of a corporation, lessee, or other person in whose name an Official Testing Station Permit has been issued. Such person(s) shall be responsible for the lawful operation of the Station's safety test program.

"Passenger" - Every occupant of the vehicle who is not the driver.

"Purchase Date" - Date when purchase transaction was completed, not when body or chassis was built.

"Rebuilt/Salvage Vehicle" - A vehicle for which a salvage certificate has been issued and which subsequently has been put back into its original or operating condition by a licensed rebuilder and which has met all the requirements of a salvage vehicle inspection. (Section 1-168.1 of the Code)

"Rejected Vehicle" - A vehicle which failed to pass the safety test and which was not issued a Certificate of Safety.

"Safety Test" - Inspection of vehicles and components required to be tested by the Illinois Vehicle Equipment Law, the Illinois Vehicle Inspection Law and this Part.

"School Bus" -

Type I School Bus - A School Bus with gross vehicle weight rating of more than 10,000 pounds.

Type II School Bus - A School Bus with gross vehicle weight rating of 10,000 pounds or less. (Section 12-800 of the Illinois Vehicle Equipment Law)

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Every motor vehicle, except as provided below, owned or operated by or for any of the following entities for the transportation of persons regularly enrolled as students in grade 12 or below in connection with any activity of such entity:

Any public or private primary or secondary school;
Any primary or secondary school operated by a religious institution; or
Any public, private or religious nursery school.

This definition shall not include the following:

A bus operated by a public utility, municipal corporation or common carrier authorized to conduct local or interurban transportation of passengers when such bus is not traveling a specific school bus route but is:

On a regularly scheduled route for the transportation of other fare paying passengers;
Furnishing charter service for the transportation of groups on field trips or other special trips or in connection with other special events; or
Being used for shuttle service between attendance centers or other educational facilities.

A motor vehicle of the first division. (Section 1-182 of the Code)

"Secretary" - Secretary of the Illinois Department of Transportation.

"Special Education School Buses" - Vehicles constructed to transport children with special needs which require the alteration of specific component requirements (i.e., ramps, lifts, wheelchair accommodations).

"Supplies" - All items issued to an Official Testing Station by the Commercial Vehicle Safety Section. All supplies remain the property of the Commercial Vehicle Safety Section.

"Vehicle" -

First Division: Those motor vehicles which are designed for the carrying of not more than ten persons.

Second Division: Those vehicles which are designed for carrying more than ten persons, those designed or used for living quarters and those vehicles which are designed for pulling or carrying property, freight or cargo, those motor vehicles of the First Division remodeled for use and used as motor vehicles of the Second Division, and those motor vehicles of the First Division used and registered as school buses. (Section 1-217 of the Code)

"Vehicle Inspection Section" - See "Commercial Vehicle Safety Section."

Section 451.60 Supervision of Official Testing Station and Enforcement of

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Department Policies

- a) Lane inspectors, compliance officers and administrative personnel are responsible for the compliance of the following provisions:
 - 1) To monitor Official Testing Stations and enforce this Part, Sections 12-800 through 12-820 of the Illinois Vehicle Equipment Law and Section 13-100 et seq. of the Illinois Vehicle Inspection Law.
 - 2) To review applications for Official Testing Station Permits and Certified Safety Tester (CST) Certificates.
 - 3) To conduct written tests and proficiency tests for persons requesting to become CSTs. (See Section 451.130 for testing procedures.) To conduct same tests for persons who have been requested by the Department to be retested. The Department would require a CST to be retested if that CST had been found guilty of a violation through the administrative hearing process (see Section 13-108 of the Illinois Vehicle Inspection Law and 92 Ill. Adm. Code 450 for hearing process).
 - 4) To inspect buildings, equipment and adjacent roadways or alleys for compliance with Lane classification requirements or any conditions which affect the entrance and exit of vehicles (refer to Section 451.110(b) for lane classification requirements).
 - 5) To inspect safety testing equipment for cleanliness, operability and accuracy.
 - 6) To require the owner to close the Official Testing Station when testing equipment is totally or partially inoperative or inaccurate.
 - A) All Certificates of Safety at the Official Testing Station will be removed and held by a Department employee or the Commercial Vehicle Safety Section office until the safety testing equipment has been cleaned, adjusted or repaired so as to render accurate results.
 - B) An authorized Department employee will approve the condition of the Lane before it is reopened for testing (i.e., equipment is operating efficiently and effectively).
 - 7) To instruct Official Testing Station Owners and CSTs in the proper method of completing forms and reports used in safety testing procedures.
 - 8) To inspect forms required to be posted, completed and filed for cleanliness, legibility, accuracy and availability (refer to Section 451.160(g) for forms required to be posted).
 - 9) To determine whether safety tests are performed in accordance with this Part.
 - 10) To have access to all records and supplies which are the property of and furnished by the Department.
 - 11) To inspect the Station's copy of this Part for completeness and availability.
 - 12) To inspect Vehicle Inspection Reports for accuracy, completeness, legibility and proper filing order.

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- 13) To inspect Certificates of Safety at Official Testing Station for numerical sequence and storage security. To check the Station Owner's method of accountability for all Certificates of Safety issued to such Station.
- 14) To investigate all complaints lodged against an Official Testing Station or CST. (Section 13-107 of the Illinois Vehicle Inspection Law)
- 15) To monitor Official Testing Station and procedures used in conducting safety tests through the use of both official marked and unmarked vehicles. Monitoring conducted in marked state vehicles includes unannounced routine visits by area inspectors to check records for proper filing and completion, equipment for proper calibration and operation, and to administer tests to prospective CSTs or those CSTs required to be retested. Monitoring conducted in unmarked vehicles includes unannounced investigations by Department personnel to determine if lanes are performing safety tests in accordance with this Part.
- 16) To enforce compliance of goals for this program by issuing warning tickets or citations/complaints to Official Testing Station Permit holders and their employees for alleged infractions of Section 13-100 et seq. of the Illinois Vehicle Inspection Law and this Part. The charges as outlined in the citation(s) will be adjudicated at Administrative Hearings conducted by the Secretary, or his authorized representative in accordance with Vehicle Inspection Section Hearings; 92 Ill. Adm. Code 450. The Secretary will determine the innocence or guilt of the defendant after careful evaluation of the evidence presented at such hearings. If a determination of guilt is made, the Secretary will assess penalties for violations alleged on the citation/complaints.
- 17) To close the Official Testing Station upon determination of a guilty verdict by Department personnel and subsequent suspension or revocation of testing privileges. Permit(s) and Certificates of Safety will be removed from the facility.
 - b) Department employees will not solicit or accept any monies, gifts, services or favors for political contributions, supplies furnished, services performed, safety testing equipment purchased or sold, cost of doing business, or for any other activity or reason including "goodwill."

Section 451.70 Permit Application Procedures and Operating Requirements for Official Testing Stations

- a) Upon written request to the CVSS by an applicant for a Permit, the CVSS will furnish to the applicant the required forms and instructions pertaining to the requirements for an Official Testing Station Permit.
- b) The completed forms, accompanied by a ten dollar check or money order made payable to: TREASURER, STATE OF ILLINOIS, shall be sent to the CVSS. Such fee is nonrefundable.

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- c) An application is reviewed to determine if the building configurations, equipment and personnel (i.e. at least one CST) meet the requirements of this Part. An interim approval is provided in writing pending the proper installation of the equipment and verification of the building configurations. A Department employee will inspect the location of the equipment (refer to Section 451.110(w) and (y) for location requirements) and the configurations of the building (refer to Section 451.110(b) for the configuration requirements) before the final approval is granted. All safety test equipment must be permanently installed.
- d) The applicant shall forward to the CVSS the following photographs: (Lane dimensions are to be included on the photographs' reverse sides.)
- 1) For a Class "A," "C," "B2" or applicable "D" or "I" Lane: three 8" x 10" photographs. One photograph must show the Lane entrance, another must show the Lane exit and the third must show the entire testing Lane with the installed testing equipment.
 - 2) For a Class "B" or "B1" or applicable "D" or "I" Lane: two 8" x 10" photographs. One photograph must show the Lane entrance and another must show the entire testing Lane with the installed testing equipment.
- e) The applicant shall file with the CVSS a bond in the amount of one thousand dollars with security provided by a bonding company in good standing with the Illinois Department of Insurance. This bond is dependent on the applicant and Station employee's compliance with this Part, as amended. The bond form will be secured by the CVSS.
- f) Any Official Testing Station owned and operated by governmental agencies (i.e., state, city, village, incorporated town or county) shall be exempt from the payment of any original or renewal fee and exempt from the filing of any bond.
- g) The specific identification number and location of the Station will be stated on each Permit. Safety tests can only be conducted within the specified Lane identified on the Permit.
- h) Each Permit approved and issued by the Department will expire twelve months following issuance. The Permit may be renewed annually by complying with this Part and upon payment of a renewal fee of ten dollars. Any change or amendment to an existing Permit will require an additional ten dollar fee.
- i) The CVSS will issue an amended Permit following a change in location and installation of testing equipment. The new location must satisfy the requirements of this Part. The amended Permit will be the only authority for the applicant to begin testing at the new location. Testing may begin upon receipt and after properly displaying the amended Permit.
- j) Any Official Testing Station Permit issued by the Department will be subject to cancellation, suspension or revocation by the Department for violations of this Part or of Section 13-100 et seq. of the Illinois Vehicle Inspection Law. The first violation by a CST or lane of the provisions of this Part statutorily requires a minimum

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suspension of 30 days. The length of a first suspension can be extended up to 180 days, usually to 60 days, if evidence in aggravation of the penalty is introduced at the hearing. A prior suspension within a four year period, without any other aggravating evidence, will result in a 60 day suspension. Violations directly threatening the public safety are considered an aggravation of the penalty. The hearing officer will consider other evidence in aggravation or mitigation of a suspension. Revocation is recommended when suspensions are not correcting improper performance. After two suspensions in a two year period, or after repeated suspensions over a longer period, a permit will be revoked upon another violation. Revocation will also be recommended when a pattern of violations indicates that a fraud on the public is being committed. The hearing officer will consider other evidence in aggravation or mitigation when considering revocation of a permit.

- k) The CVSS may permanently deny, on application, an original or renewal Lane Permit to applicants whose Permits have been revoked. The Department will permanently deny an application for permit if the applicant was ever found guilty of a serious violation through the Department's administrative hearing process. Two examples of serious violations may include administering improper safety tests for school buses or supplying entire fleets of vehicles with Certificates of Safety without performing safety tests on the vehicles. Applicants whose original or renewal Testing Station Permit applications have been denied by the Department may request an Administrative Hearing to present such evidence for the granting of an original or renewal Testing Station Permit.

- l) Official Testing Station Permits will be issued in one of two categories: Public or Private.

- 1) Public
 - A) Public Stations shall inspect any vehicle presented within the limits defined in Section 451.110.
 - B) Public Stations shall agree in writing to be open for testing between the hours of 8 a.m. and 5 p.m., Monday through Friday, except on legal holidays. All public Stations shall notify the CVSS in writing if the test Lane operates during any additional hours. The notification shall be sent to the CVSS and shall include the complete test Lane number, the city in which the Lane is located and the additional hours of operation.
 - C) It shall be the applicant's responsibility to file with the Department a proposed schedule of rates to be charged for performing a safety test. The proposed schedule will be approved by the Department before a license is issued. (Refer to 92 Ill. Adm. Code 454 for procedures.)
 - D) Lane personnel shall not require vehicle owners to make an appointment to have their vehicles tested. Should a vehicle owner request an appointment, the time set for such testing must be at a time when the Lane is closed to the public (see

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subsection (1)(1)(B)). Times that are not stated in subsection (1)(1)(B) are times the Lane is considered "closed to the public."

E) Upon notification that a vehicle has been presented for a safety test, the test shall be performed.

2) Private

A) Private Stations are not open to the public. They are established solely for the purpose of testing ten or more vehicles owned or leased by the firm in whose name the Official Testing Station Permit is issued.

B) All Private Stations shall notify the CVSS in writing of each second division vehicle leased or owned by the firm as well as the exact storage location (i.e., address) of the vehicles as of the first day of each year. The CVSS shall also be notified of any additions or deletions made to the fleet during the year.

C) Private Stations are exempt from maintaining normal business hours.

D) Private Stations are subject to the same requirements as public Stations except where specifically noted.

m) Each Station must have at least one person licensed by the CVSS as a Certified Safety Tester.

n) No safety test shall be conducted unless the Station possesses and has properly displayed a valid permit issued by the CVSS (refer to Section 451.160(g), (i), and (j) for permit display requirements).

o) By accepting a Permit, the applicant agrees to comply with Section 13-100 et seq. of the Illinois Vehicle Inspection Law and this Part, as amended, that govern the operation of an Official Testing Station and vehicle safety tests.

p) If a Lane is inoperative for a period of six months or more, the Permit will be cancelled. Advance warning is given by telephone, and area inspectors visit the lane prior to the cancellation. If the inspector feels that the operator is not taking the necessary action to reopen his lane (e.g., having equipment repaired), the CVSS will cancel the permit. If at a later date the owner wishes to reopen the Station, a new application shall be submitted to the CVSS. The ten dollar filing fee shall be paid again.

Section 451.80 Applicant Qualifications for Official Testing Station Permit

a) The individual requesting application must be of legal age.

b) Upon written request to the CVSS by an applicant for a Permit, the CVSS will furnish to the applicant the required forms and instructions pertaining to the requirements for an Official Testing Station Permit.

c) All forms furnished by the CVSS shall be completed correctly by the applicant.

d) All information supplied on the forms will be reviewed by the Department to determine if the building configurations and the testing equipment meet the necessary requirements of Section 451.110 to

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qualify as the type classification requested on the permit application. The Department also verifies that at least one person will become a CST as required in Section 451.70(m).

e) Any false information supplied on the forms will nullify the application. The Station Owner may apply again one year after the date of original application.

f) A Permit will immediately be cancelled when any information contained on the application forms, or if any additional information requested by the CVSS, is found to be false. A new application may be completed and filed one year from the date of the cancellation.

Section 451.90 Official Testing Station Requirements

a) The Station must be clean and properly maintained so that the Station does not interfere with the operation of the Official Testing Station Lane.

b) The Station must be a permanent building constructed so that the test Lane is protected from exposure to the weather. The building must have a permanent roof, contiguous permanent walls and a permanent door or doors meeting the height and width requirements of this Part (see Section 451.110). The floor of the building must be a level concrete surface.

c) The building must be located on the Station property so that a vehicle waiting to enter the building shall neither obstruct passing vehicles nor cause unsafe congestion in any alley, street or highway.

d) The vehicular entrance and exit to the Station must neither be obstructed nor can a driveway be constructed to interfere with the free movement of a vehicle either entering or exiting the Station building.

e) The approach to the entrance of the Station Lane must be concrete, asphalt or a comparable hard surfaced material with minimum dimensions of six feet in length and as wide as the entrance door.

f) Failure to meet any of the requirements of this Section will nullify the application until all requirements are met.

Section 451.100 Official Testing Station Lane Requirements

a) The Lane must be clean and properly maintained within the minimum dimensions required for Station classification (see Section 451.110(b)).

b) The floor of the Lane must be a level concrete surface free from high or low spots. The floor must be suitable for the installation of authorized safety test equipment according to the manufacturer's specifications.

c) The floor of the approach and the surface of the Lane area must be free from dirt, oil and grease.

d) The Lane must not be utilized for servicing, repairing, washing or parking vehicles. The Lane must not be utilized for the storing of vehicles, parts or other materials. (Minor repairs or adjustments to

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- rejected vehicles, e.g., light bulb replacement, headlight aim are allowed.)
- e) The Lane must be well lighted, ventilated by natural or artificial means and capable of being heated when necessary.
- f) The Lane must be located to allow a direct approach by the test vehicle within the dimensions required for Lane classification.
- g) There must be no obstruction caused by building design or fixture placement within the minimum dimensions of the Lane.
- h) A Station may have more than one Lane. Each Lane must be equipped with the authorized safety test equipment (see Appendix F for list of equipment).
- i) If an Official Testing Station Permit is cancelled because a Lane is closed or inactive for at least six months, or because an Official Testing Station has changed ownership, an inspection of testing equipment and building facilities will be conducted by Department personnel. All equipment and facilities must be approved prior to the issuance of a new Permit in accordance with Section 451.110.
- j) Failure to meet any of the requirements of this Section shall nullify the application until all requirements are met.

Section 451.110 Lane Classifications, Specifications and Safety Test Equipment

- a) Classification of the Lane shall be governed by the smallest dimensions of the land configuration, the building (interior and exterior), and the maximum capacities of the required testing equipment.
- b) The following are minimum dimensions and Lane classifications:

	C+	A+	B	B1	B2+	D(+ optional)
Door Height	14'	12'	8'	12'	14'	12'
Door Width	12'	10'	8'	10'	12'	10'
Lane Height	14'	12'	8'	10'	14'	12'
Lane Width	14'	14'	12'6"	12'6"	14'	14'
Lane Length	64'	64'	30'*/40'*	+ +	+ +	64'

- * With a combination wheel alignment and brake testing device
- ** With a separate wheel alignment tester and brake testing device
- + Must have an entrance and exit door in direct line with the safety test equipment. D Lanes have optional drive through capabilities.
- ++ Lane dimensions have been waived to accommodate vehicles. Refer to subsections (e) and (f) for requirements.
- c) Class C Lanes are authorized to test all sizes and combinations of vehicles which can enter the Lane facilities and not exceed the capacity of the authorized safety test equipment.
- d) Class A Lanes are limited to testing single vehicles or combinations of vehicles which are less than twelve feet in height when measured to the highest point of the vehicle(s). The weight of the vehicle(s) must not exceed the capacity of the authorized safety test equipment.
- e) Class B1 Lanes are authorized to test single motor vehicles. The

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- completely "drive through" Official Testing Station). The brake testing machine must be capable of testing a vehicle over 14,000 pounds empty weight. Vehicles being tested cannot exceed the capacity of the authorized safety test equipment. No trailers or semitrailers shall be tested at a B1 Lane.
- f) Class B2 Lanes are authorized to test all sizes and combinations of vehicles. B2 Lanes must have drive-through capabilities. The brake testing machine must be capable of testing a vehicle over 14,000 pounds empty weight. Vehicles being tested cannot exceed the capacity of the authorized safety test equipment.
- g) Class B Lanes are limited to testing single unit motor vehicles (trucks, tractors and buses). No trailers or semitrailers shall be tested at a B Lane. Vehicles tested at B Lanes must not exceed authorized capacity of test equipment or Permit limitations (refer to subsection (b) for limitations).
- h) Any size classification test Lane may test school buses provided Department authorization has been granted. The lane operator must indicate that he has at least one employee who has been certified as a school bus tester. The lane equipment must be capable of testing the weight of a school bus.
- i) Class D Lanes are public Lanes established solely to conduct school bus safety tests. These Lanes are authorized to test all school buses which can enter the Lane facility and not exceed capacity of the authorized safety test equipment. D Lanes may have drive through capabilities, if their building so permits, but it is not a requirement.
- j) The classification and requirements for a private (i.e., Independent (1)) Lane shall be the same as for a public Lane with the classification of the private Lane being dependent upon the dimensions of the Lane, capacity of the authorized safety test equipment and the largest vehicle in the firm's fleet.
- k) Department personnel will determine appropriate Lane classifications based on Lane dimensions and equipment capabilities set forth by the Department in this Section (i.e., B1 and B2 Lane classifications). B1 and B2 Lane Permits shall display the allowable size dimensions for vehicles being tested in that Lane.
- l) A Lane perimeter line at least three inches wide and readily visible must be permanently marked on the floor in at least the minimum dimensions set forth in subsection (b).
- m) There must be no obstruction caused by building design or fixture placement within the minimum dimensions of the Lane perimeter lines.
- n) All authorized safety test equipment must be located within the perimeter lines.
- o) In addition to the minimum dimensions in subsection (b), a Lane must have the appropriate capacity equipment installed and utilized as approved by the Department (refer to subsections (w) and (y) and Section 451.130(b) and (d)). The Commercial Vehicle Safety Section will establish and maintain a list of authorized safety test equipment (see Appendix F for approved list). This list will be available upon

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p) written request to the CVSS.
Safety test equipment must be installed according to the respective manufacturer's specifications. The location of the installed equipment must be approved by the CVSS (refer to subsections (w) and (y)). The center line of the brake tester or wheel alignment tester may be offset from the center of the Lane entrance to the center of the Lane exit; however, drive-through capabilities and accurate test readings must be maintained.

q) Each Lane within a Station must be equipped with the following equipment:

- 1) jack or lift;
 - 2) wheel alignment indicator (drive-on type);
 - 3) brake testing device (drive-on type);
 - 4) track-mounted headlight testing and aiming device;
 - 5) tread depth gauge; and
 - 6) small hand tools (e.g., screwdriver, pliers, wrench).
- r) Each jack or lift must equal or exceed the following minimum capacities and must be capable of lifting the vehicle so that the bottom of the tires are at a distance from the floor to allow inspection of the vehicle's underside components.
- 1) Classes C, A, B1, B2 and D Lanes must have a jack or lift with a Manufacturer's Rated Minimum Lifting Capacity of 18,000 pounds.
 - 2) Class B Lanes, with an 8,000 or 10,000 pound vehicle scope, must have a jack or lift with a Manufacturer's Rated Minimum Lifting Capacity of 5,000 pounds.
 - 3) Class B Lanes with a 14,000 pound vehicle scope must have a jack or lift with a Manufacturer's Rated Minimum Lifting Capacity of 8,000 pounds. This requirement pertains only to Lanes licensed on or after January 1, 1977, or those where the jack or lift is replaced.

s) Every wheel alignment indicator must be the drive-on type approved by the CVSS and must be permanently installed according to the respective manufacturer's specifications (refer to Section 451. Appendix F).

t) Each brake testing device must be the drive-on type approved by the CVSS and must be permanently installed according to the respective manufacturer's specifications (refer to Section 451. Appendix F).

u) Maximum vehicle weight which can be safely tested at a Class B Lane is based upon the total maximum reading of the brake testing machine. The three classes of B Lanes are:

- 1) Class B Lanes which have a brake testing machine capable of registering a capacity of 1,500 pounds on the tube or dial for each tread plate may test motor vehicles up to 8,000 pounds vehicle empty weight.
- 2) Class B Lanes which have a brake testing machine capable of registering a capacity of 2,000 pounds on the tube or dial for each tread plate may test motor vehicles up to 10,000 pounds vehicle empty weight.
- 3) Class B Lanes which have a brake testing machine capable of registering a capacity of 3,000 pounds on the tube or dial for

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each tread plate may test motor vehicles up to 14,000 pounds vehicle empty weight.

v) Class B Lanes established prior to July 1, 1973 with brake testing machine capabilities of 8,000 and 10,000 pounds empty vehicle weight, may remain active provided ownership has not changed and equipment remains in the existing building. After July 1, 1973, all new B Lanes which are opened must have equipment with the capacity to test vehicles up to 14,000 pounds vehicle empty weight.

w) For each wheel alignment indicator installed after January 1, 1977, the indicator tower must be located to the driver's left. For each brake testing device installed after January 1, 1977, the tower must be located either on the left side or at the right front corner. Both the wheel alignment indicator and brake testing device towers must be installed so they can be easily read from the driver's seat.

x) On brake testing machines which are mounted flush with a floor, no vehicles shall be tested if any part of the tire tread of the vehicle extends over the side or sides of the tread plate.

y) Every headlight testing and aiming device used must be listed in Section 451. Appendix F and must be installed in the Lane according to the respective manufacturer's specifications. When specification requirements have been met, approval of the installation will be granted by the CVSS.

z) Each item of equipment required must be maintained in proper calibration. Maintenance, calibration and repair shall be performed in accordance with the respective manufacturer's instruction manuals and specifications.

aa) Failure to meet the qualifications in this Section will nullify an application until the qualifications are met.

bb) Any Station that has a change in ownership, business name, equipment or location will be reclassified to the appropriate Lane classification. Any change in ownership, business name or location requires a new application and payment of the ten dollar filing fee. Following approval by Department personnel in accordance with the requirements of this Section, a new permit will be issued.

cc) Any Station issued a Permit for Class C or Class A Lane prior to January 1, 1977, which does not meet any specifications for its respective classification, shall be required to reclassify to the appropriate Lane classification and abide by the resultant limitations.

Section 451.120 Responsibilities of Official Testing Station Owner

a) The owner shall require all CSTs to comply with this Part.

b) The owner shall be responsible for all practices and procedures in the Station, including, but not limited to, any certified or non-certified personnel allowed to perform vehicle safety tests while in the employ, direction or control of the owner. The owner is responsible for all safety test practices and procedures in the Station, regardless of whether the owner has knowledge or approves of such practices and

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procedures.

- c) No Station Owner shall allow the rates charged to be more or less than the scheduled rates approved by the Department and posted at the Lane.
- d) Nothing in this Section shall be construed to mean that any adjustment, correction or repair must be made at the Station performing the safety test.
- e) It shall be the owner's responsibility to notify the CVSS immediately of any change in ownership, business name, location or status. Such changes include incorporation of the firm, change in corporate officers or dissolution of partnership or corporation. Any such change without immediate notification shall automatically cancel the existing Permit.
- f) The owner of an Official Testing Station shall notify the CVSS in writing when he or his employees wish to make application to become a CST. The letter of request must include the applicant's:
 - 1) Full name;
 - 2) Date of birth; and
 - 3) Driver's license number.

- g) The owner is responsible for the training of employees on appropriate safety equipment and testing procedures before the employee is tested by Department personnel to become a CST.

- h) It shall be the owner's responsibility to immediately notify the CVSS when neither he nor any of his employees is eligible to test vehicles. Failure to have at least one employee who is a CST automatically suspends the Official Testing Station Permit until such time as the owner or an employee becomes certified. The owner shall immediately notify the CVSS of the Lane closure and subsequent reopening. If the Lane is closed for more than 30 days, Department personnel must reopen the Lane.

- i) It shall be the owner's responsibility to notify the CVSS at least ten days prior to any scheduled voluntary Lane closing (e.g., vacations, periodic equipment maintenance).

- j) The owner is responsible for maintaining the equipment in proper calibration and working order and for maintaining the Station and Lane(s) in proper condition as required in this Part.

- k) It shall be the owner's responsibility to close the Station when any piece of testing equipment malfunctions.

- 1) Equipment malfunctions and subsequent closure shall be reported immediately to the CVSS.
- 2) Testing shall not be resumed until repairs are completed and approval is secured from the Department inspector to resume testing. The Department's inspector will confirm that the testing equipment is working in accordance with the manufacturer's specifications as authorized by Section 12-812 of the Illinois Vehicle Equipment Law.

- 3) If a rejected vehicle returns to a closed Lane for retest of a component requiring use of the defective testing equipment, the test fee shall be refunded.

- 1) Upon receipt of any addition, deletion or other notification of change

issued by the Department, it shall be the owner's responsibility to file updates to their copy of this Part. The complete and current copy of this Part shall be kept in the Lane area and shall be made available to all CSTs at all times.

- m) It will be the owner's responsibility to bring to the attention of all employees who work with any part of the testing Lane operation any material disseminated by the CVSS, including, but not limited to, changes, additions and deletions to this Part. Employees are to be made aware of any disciplinary actions taken against the Station by the CVSS.

- n) It shall be the owner's responsibility to maintain a supply of all forms needed in the operation of the Official Testing Station. The necessary forms are obtained from the Department by submitting an order on the form or forms prescribed by the CVSS. The inventory of forms will be subject to inspection by Department personnel on the premises of the Official Testing Station.

- o) It shall be the owner's responsibility to ensure that he, as well as his employees, utilize the proper and current forms. The forms shall be completed correctly and legibly and shall be submitted to the Department by the owner or owner's authorized personnel as set forth in this Part.

- p) It shall be the owner's responsibility to maintain a supply of Certificates of Safety and numerical decals to accommodate both vehicles presented for original inspection and those returning for retest. If the Station does not have a supply of Certificates and numerical insert decals to issue to a rejected vehicle returning for retest, the test fee shall be refunded to the vehicle owner.
- q) The owner shall be responsible for the proper security, distribution and handling of the Certificates of Safety.

- r) It shall be the owner's responsibility to immediately notify the CVSS of any change in equipment, regardless of whether the Lane's classification is affected.

- s) It shall be the owner's responsibility to provide funds to cover the cost of any Certificate of Safety order submitted, either through transmittal of appropriate funds or through use of a previously established credit balance.

- t) If as the result of an Administrative Hearing an Official Testing Station Permit is suspended, performance of any and all vehicle inspection activities shall be prohibited for the duration of the suspension. It shall be the owner's responsibility to surrender the Lane Permit, Certificates of Safety and other related supplies requested by authorized personnel of the Department on the date the suspension begins. The owner shall be responsible for making certain all employees honor the terms of the suspension.

Section 451.130 Responsibilities of Certified Safety Tester

- a) Persons interested in becoming a Certified Safety Tester (CST) must meet the following requirements:

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- 1) Be at least eighteen years of age; and
- 2) Possess a valid driver's license.
- b) Every applicant must accomplish the following before certification as a CST is awarded:
 - 1) Pass a written test based on this Part.
 - 2) Demonstrate proficiency in the operation and calibration of the safety test equipment at the Station where employed.
 - 3) Physically inspect an appropriate vehicle.
- c) Only a CST who has been licensed for a minimum of thirty days to test trucks is eligible to make application to take a school bus examination. (Employees of Class D and I school bus Lanes are exempt from this subsection.)
- d) Every applicant must accomplish the following before certification as a School Bus CST is awarded:
 - 1) Pass a written test based on this Part.
 - 2) Demonstrate proficiency in the operation and calibration of the safety test equipment at the Station where employed.
 - 3) Physically inspect an appropriate vehicle.
- e) The Station Owner may request retesting of a CST applicant who failed the initial test(s).
 - 1) A person who failed any part of the initial examination shall wait a period of fifteen days before reapplying.
 - 2) A person who fails a second time shall wait a period of thirty days before reapplying.
 - 3) After three failures within one twelve month period, a person is not eligible to take the examinations for a period of one year from the date of the last failure.
- f) A CST shall test a minimum of ten percent of the vehicles safety tested during any calendar year or may be required to successfully pass the written and proficiency examinations to maintain certification. A CST will be required to pass an exam if he does not test 10% of the vehicles and is either issued warning tickets or citations or has a Vehicle Inspection Report error rate in excess of the statewide average (approximately 10%).
- g) If the Lane where a CST is employed changes testing equipment, the CST shall be required to demonstrate proficiency in the operation of the new testing equipment.
- h) If a CST leaves the employ of one Official Testing Station and is subsequently hired by another, the latter employer shall request in writing a transfer of the CST's certification.
 - 1) The CVSS may require the CST to pass the written and proficiency examinations before his Certificate is transferred.
 - 2) Both tests shall be administered if the lapse in employment at Official Testing Stations exceeds thirty days, if the Lane classifications of the two Stations differ or if the testing equipment differs.
- i) The CST's Certificate remains the property of the CVSS and shall be immediately returned to the CVSS or authorized personnel of the Department if the CST:

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- 1) Ceases testing vehicles; or
- 2) Ceases to be employed by the Official Testing Station; or
- 3) Certificate is suspended, cancelled or revoked; or
- 4) Fails to maintain his certification; or
- 5) Driver's license is expired, cancelled, suspended or revoked.
- j) The testing privileges granted by the CST's Certificate shall be subject to cancellation, suspension or revocation by the Department for any violation of this Part (see Section 451.70(j) for suspension or revocation procedures).
- k) If a CST's Certificate has been suspended for ninety days or more or cancelled, the CVSS will require that the CST pass the written and proficiency examinations prior to recertification.
- l) If a Lane is inoperative for a period of six months or more, all CST Certificates shall be cancelled. Any former CST shall be required to be reexamined before a Certificate is issued.
- m) Failure of a CST to pass either the proficiency or written portion of any retest shall automatically cancel their Certification.
- n) Refusal of a CST to submit to retesting shall automatically cancel his certification and his Certificate shall be immediately surrendered to Department personnel.
- o) No person shall perform a safety test unless they are rated as a CST by the CVSS and possess a valid Certificate issued by the CVSS. The Certificate shall be displayed at the Lane where the CST is employed.
 - 1) No CST, Station Owner, or Station employee shall authorize duties which are required to be performed by a CST to one who is not a CST.
 - 2) No person shall test school buses unless they have been rated as a School Bus CST.
 - 3) The Department will issue a citation/complaint or warning ticket to a Lane employee who is not a CST but who has safety tested vehicle(s) and issued Certificate(s) of Safety in violation of this Part or Section 13-100 et seq. of the Illinois Vehicle Inspection Law.
- p) The CST shall perform the safety test applicable to the tested vehicle according to vehicle type, specifications and test procedures (see Appendices A through D for testing procedures).
- q) The CST shall have sole physical control of the vehicle to be tested during the entire safety test procedure. All safety tests shall be performed within the perimeter lines of the Lane (see Section 451.110).
 - 1) The CST shall perform the retesting of repaired components requiring use of testing equipment only within the perimeter lines of the Lane.
 - 2) The CST shall not perform any repairs or charge for any repairs made on a vehicle submitted for a safety test without the express consent of the owner or driver.
- r) The CST shall be responsible for all safety test results entered on the Vehicle Inspection Report (VIR). The CST shall prepare an inspection report for each and every vehicle presented for a test.

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The CST shall write his signature in the proper space on the VIR when the test is completed.

- s) The CST who performed the original safety test or retest of a vehicle shall affix the appropriate Certificate of Safety on the windshield as prescribed in Section 451.140(n). The Certificate of Safety shall be affixed only if the vehicle tested equals or exceeds all requirements of this Part.

- 1) The CST shall complete the reverse side of the Certificate of Safety with the required information using a permanent ink pen.
- 2) The CST shall affix to the face of the Certificate of Safety the appropriate numeric decal insert representing both the month of vehicle certification and the Certificate of Safety expiration date.

- t) A CST shall not accept any gratuity from any person for or in connection with an official safety test or for the issuance or giving of a Certificate of Safety.

Section 451.140 Certificate of Safety

- a) Certificates of Safety shall be affixed to second division vehicles and applicable first division vehicles (i.e., rebuilt vehicles and driver education training cars) as a result of passing the prescribed safety test (see Appendices A through D for testing procedures).

- b) Certificates of Safety remain the property of the State of Illinois and can be seized when Official Testing Stations are in violation of this Part.

- c) Certificates of Safety shall be subject to inspection by Department personnel at any time during a Station's required regular business hours.

- d) Certificates of Safety shall comply with the following physical description:

- 1) Change color with every six month testing cycle (except rebuilt vehicle certificate);
- 2) Display on front side the State of Illinois seal;
- 3) Measure 3 x 2 3/4 inches;
- 4) Display on front side a serial number which shall be unique to the Certificate and begin with one of the following codes "TRK" (for truck), "TRL" (for trailer), "SHB" (for school bus), or "RVB" (for rebuilt vehicle);
- 5) Display on back side an area where required information shall be inserted by the CST (except trailer certificates); and
- 6) Display on front side an area where the numerical insert decal identifying the expiration month (except rebuilt vehicle certificates).

- e) Except as authorized by the Department, no person shall duplicate, alter, reproduce, manufacture, or create by any manner or means, a Certificate of Safety or facsimile thereof.

- f) Certificates of Safety expire at midnight on the last day of the month indicated by the large numerical insert applied on the individual

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Certificate (i.e., no grace period).

- g) No Station Owner or CST shall issue, nor shall any person accept, obtain or attempt to obtain a Certificate of Safety for a vehicle which has not completely passed a safety test as described in Appendices A through D.

- 1) Possession by a vehicle owner or operator of a Certificate of Safety which is not firmly affixed to a vehicle, or is affixed in any other location than the prescribed location, shall be prima facie evidence of obtaining a Certificate of Safety without a proper safety test. Possession of such Certificate of Safety indicates the CST did not perform a proper safety test.

- 2) If as the result of an Administrative Hearing or the filing of a voluntary waiver of hearing and a plea of guilty, the Secretary of the Department makes a determination of a defendant's guilt, each Certificate of Safety involved in the action will be confiscated immediately by personnel of the Department from any person possessing illegally obtained Certificate(s) or from any vehicle displaying illegally obtained Certificate(s).

- 3) The Department assumes no liability for the cost of reinspection of a vehicle from which a Certificate has been confiscated.

- 4) Each Certificate of Safety illegally issued or illegally obtained shall be a separate, distinct violation of this Part.

- h) Each Certificate of Safety issued by the Station must be accounted for on the appropriate corresponding Vehicle Inspection Report.

- i) The Certificate of Safety shall be issued at the Station. The Certificate shall be affixed by the CST in the correct six month cycle and in numerical sequence, starting with the lowest serial number and proceeding in strict ascending order through the highest serial number. Such numerical progression shall be directly related to the passage of time and date of tests performed.

- j) The numerical insert decal applied to the Certificate of Safety shall correspond to the date of the original test, or retest, and the month of expiration (i.e., month of test plus six months).

- k) Truck, school bus and rebuilt vehicle Certificates of Safety shall be written upon only as prescribed by the Department. The backside of the Certificate of Safety shall be completed by the CST as prescribed before the Certificate of Safety is affixed to the vehicle. The following information must be completed on the backside of the corresponding Certificate of Safety:

- 1) Truck - license plate number and CST signature.
- 2) School Bus - mileage inspection due, brake inspection mileage due and CST signature.
- 3) Rebuilt - date of inspection and CST signature.

- l) No Station shall borrow, purchase or receive any Certificates of Safety from another Station. No Station shall lend, sell, or give any Certificates of Safety to another Station. All Certificates of Safety must be received from the CVSS or authorized personnel of the Department.

- m) Any second division vehicle which is exempted by Section 13-101 of the

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Illinois Vehicle Inspection Law may be safety tested if the vehicle owner so wishes and a Certificate of Safety may be issued provided the vehicle passes the appropriate safety test.

n) Certificates of Safety shall be applied as follows:

- 1) Vehicles with windshields - As close as possible to the extreme bottom of the windshield glazing in line with the steering column on the left side of the vehicle.
 - 2) Vehicles without windshields - Directly to the exterior surface of the vehicle. This surface must be a permanent part of the vehicle's body which cannot be removed from the vehicle. The Certificate of Safety shall be affixed to the left side of the vehicle at the lower corner of the leading edge of the vehicle above the "bump rail." If no permanent part of the body exists, the Certificate of Safety shall be affixed to the "bump rail." The surface of the Certificate of Safety must face at approximately ninety degrees from the body of the vehicle.
 - 3) Rebuilt trailers and motorcycles (without windshields) - Staple the Certificate of Safety to the driver's blue copy of the VIR.
- o) Certificates of Safety become void if removed from the vehicle. Any voided Certificates cannot be reattached to the same vehicle or a different vehicle.
- p) If the original Certificate of Safety is mutilated, destroyed or voided within sixty days of the original test due to the replacement of the vehicle windshield, the vehicle owner shall immediately return the vehicle to the original issuing Station.
- 1) The original Station shall issue a replacement Certificate without additional charge, provided the vehicle owner returns the original Certificate displaying a complete serial number.
 - 2) If the vehicle owner is not able to furnish the old Certificate to the Station or if the Certificate does not display a complete serial number, a Certificate fee shall be charged for the replacement Certificate.
 - 3) A police report shall be presented to the Station Owner by the driver of a vehicle who requests a replacement for a lost or stolen Certificate of Safety. This report should be attached to the Station's copy of the VIR and filed in the appropriate place.
- q) If the original Certificate is mutilated, destroyed or voided and if more than sixty days has elapsed since the original test, a complete inspection shall be performed.
- r) Certificates of Safety shall be issued to the Official Testing Station by the CVSS only after the appropriate fee to pay for the order has been received. A credit balance may be used to pay for an order.
- s) Certificates of Safety fees authorized by Section 13-110(b) of the Illinois Vehicle Inspection Law shall be paid to: TREASURER, STATE OF ILLINOIS, by the Official Testing Station for each Certificate issued. The Station shall only charge the authorized Certificate of Safety fee when issuing a certificate.
- t) The Station Owner shall authorize the signatures of two employees to request Certificates of Safety on the prescribed order form.

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1) All requests for Certificates, both original and reorder, shall be submitted on the preprinted order form, telegram or reorder form.

2) Each request shall include the Station number, name, complete address; quantity, type and cycle of Certificates being ordered; name of person submitting order; and funds to cover the cost of the order (unless Station has a credit balance to pay for the order).

u) The following procedures shall be followed when ordering or reordering Certificates of Safety for emergency purposes:

- 1) Send telegram and funds (unless Station has a credit balance) to cover cost of order to:

Illinois Department of Transportation
Commercial Vehicle Safety
320 West Washington - 2nd floor
Springfield, Illinois 62766

2) The order or reorder for Certificates must include the following information:

- A) Complete test Lane number (four digits);
 - B) Complete name of Official Testing Station;
 - C) Address of Official Testing Station;
 - D) Full name of person sending telegram;
 - E) Telephone number of Lane;
 - F) Type (i.e., truck, trailer, school bus, or rebuilt);
 - G) Number of Certificates requested; and
 - H) Cycle number of Certificates needed.
- 3) Certificate orders or reorders may be picked up by authorized personnel presenting a completed order and the appropriate funds to:

Illinois Department of Transportation
Commercial Vehicle Safety Section
320 West Washington - 2nd floor
Springfield, Illinois

v) The Station Owner shall immediately return a signed receipt to the CVSS for all Certificates of Safety delivered to his Station. Delivery of Certificates of Safety cannot be made to any address other than that of the Official Testing Station unless prior written approval has been made by the CVSS. If a station owner requests that the Certificates of Safety be delivered to his home address or the home address of a designated employee, the CVSS will approve the delivery.

w) Inventory requirements for Official Testing Station:

- 1) The Official Testing Station must maintain a supply of Certificates of Safety and numerical insert decals to issue to both originally tested vehicles and vehicles returning for retest.
- 2) If the original Official Testing Station does not have a supply of Certificates of Safety to issue to a rejected vehicle being

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returned for retest, the test fee shall be refunded to the vehicle owner.

- x) Certificates of Safety shall be stored in a locked safe or other locked place within the Official Testing Station. Only written authorization from the CVSS shall permit storage of the Certificates of Safety for security purposes at another location.

- y) Procedures required for the reporting of lost or stolen Certificates of Safety:

- 1) The Station Owner shall immediately notify the police agency in the jurisdiction where the Station is located of the loss or theft of any Certificates of Safety.

- 2) The Station Owner shall then notify the CVSS without delay by telephone (217/782-2920) giving Station name, number, and address; the series and serial numbers of the Certificates that were lost or stolen; and the name of the person reporting the loss.

- 3) The Station Owner shall complete the prescribed SVI-1241-1&2 Form. The Administrator's copy is to be mailed to the CVSS. The Station's copy is to be retained in the Station's eighteen month file.

- 4) Credit will not be issued for either Certificates lost while in transit from the Station to the CVSS or those which are stolen from the Station. It is the responsibility of the Lane owner to file a claim with the appropriate party.

- z) All unused Certificates of Safety from the preceding test cycle shall be returned during the first ten days of a new cycle. The complete Lane number must be written on the back cover of each returned booklet of Certificates. For all unused Certificates of Safety returned (without inserts applied), an equal amount of the fee paid shall be credited to the Official Testing Station's account. This credit may be used to offset the cost of future orders.

- aa) If defective, mutilated, or voided (due to replacement of windshield) Certificates are being returned, a completed SVI-1280 is to be submitted to the CVSS with the necessary information. An amount equal to the fee paid shall be credited to the Station for each returned defective, mutilated or voided Certificate. Each Certificate returned must clearly display a complete serial number and must be less than sixty days old.

- bb) When an Official Testing Station permanently closes, the owner shall submit a written request to the CVSS in order to obtain any refund monies due the Station. The refund will cover all Certificates previously returned for credit. The request must include the owner's social security number or federal employer's tax number.

- cc) When Certificates of Safety are returned to the CVSS, they shall be sent by certified mail.

Section 451.150 Completion Procedures for Vehicle Inspection Report

- a) The VIR shall be completed by a CST for each and every vehicle

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submitted for an inspection at an Official Testing Station.

The VIR remains the property of the Department at all times.

- b) Every combination of vehicles (e.g., tractor-trailer) shall be tested as separate units and must have separate VIRs.

- d) The vehicle owner's registration card, title, or equivalent proof of ownership shall be presented to the CST at the time of the safety test. For school bus inspections, a valid wheel pull form (SB6) shall be presented to the CST prior to the safety test. The safety test cannot begin without proper ownership documentation and wheel pull form (if school bus is tested).

- e) The Vehicle Identification Number (VIN) which is recorded on the vehicle registrations material must be identical to the VIN found on the vehicle VIN plate.

- f) The CST shall write legibly and use only a number two lead pencil to record information on the VIR.

- g) In fields, 5, 7, 10, 11 and 21, the required numbers and/or letters shall be written in the spaces above the bubbled area and the corresponding bubbles shall be marked below.

- h) The following fields shall be recorded on the VIR in the following manner:

- 1) Field 8 - Date of the safety test.

- 2) Field 9 - Starting time of safety test.

- A) Time recorded must directly correspond to actual time of test.

- B) Only one vehicle is to be tested at a time.

- 3) Field 11 - Official Testing Station and CST identification numbers.

- 4) Field 12 - CST initials.

- 5) Field 1 - Manufactured year of the vehicle.

- A) Shall be found on the proof of ownership material.

- B) If the vehicle's year is prior to 1970, only the bubble labeled "prior to 1970" is marked.

- C) For all other years, the appropriate combination of 1970 or 1980 and the appropriate last digit of the year is marked (e.g., for a 1983 vehicle, the "1980" and "3" bubbles would be marked).

- 6) Field 2 - Type of vehicle to be tested.

- 7) Fields 3 or 4 - Manufacturer of the Power Unit

- A) Mark the appropriate manufacturer of the vehicles being tested.

- B) If no name is given, the bubble "Other" is marked.

- 8) Field 5 - License Plate Number

- A) Enter the exact license plate letters and/or numbers found on the plates attached to the vehicle.

- B) Begin filling from the left most box and proceed to the right.

- C) Fill only enough boxes to record the number.

- D) If no plates are attached to the vehicle, enter "NONE" in the upper fields and mark the appropriate bubbles below.

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- 9) Field 7 - Vehicle Identification Number (VIN)
A) Begin filling from the left most box and proceed to the right.
B) Do not leave any blank spaces between numbers or letters.
C) Blank spaces are acceptable only at the far right if not needed to record the VIN.
- 10) Field 10 - Odometer Reading
A) Begin filling from the right most box.
B) Mark "0" in any unoccupied boxes (e.g., odometer reading of 17,323 would be written 017,323).
C) Mileage is bubbled in thousands of miles (e.g., odometer reading of 17,323 would be bubbled 017).
- 11) Field 15 - Number of Axles
A) Mark the number of wheel axles found on the vehicle.
B) Single and double wheel axles are recorded separately.
- 12) Field 13 - Component Reject Area
A) Mark the appropriate bubble(s) for any defects found on the vehicle during the safety test.
B) Complete the entire test, regardless of defects found.
C) Where several defects are represented by the same bubbled area, the "remarks section" on the second blue sheet of the VIR is to be used for a more detailed description of the defects found.
- 13) Field 16 - Test Fee
A) Enter the test fee charged according to the posted Official Testing Station fee schedule.
B) If a Certificate of Safety is issued, the fee for the Certificate is to be included in this field. If no Certificate of Safety is issued, only the test fee is recorded.
- 14) Fields 17 and 18 - Repair Charges
A) The cost of parts used for minor repairs shall be entered in Field 17. No repairs or adjustments shall be initiated without express permission of the vehicle owner or driver.
B) The cost of labor necessary to make minor repairs shall be entered in Field 18. Labor charges can only be assessed for specific mechanical work performed.
C) The costs shall be rounded to the nearest dollar.
- 15) Field 14 - Completion Time of Test
A) Time is determined after testing procedures and Vehicle Inspection Report are complete.
B) Both the front and rear sides of the Vehicle Inspection Report must be complete.
- 16) Fields 19, 20 and 21 - Certificates of Safety Issued
A) Certificates of Safety shall only be issued to a vehicle meeting or exceeding the minimum safety test requirements.
B) The date the Certificate is affixed to the windshield shall be entered in Field 19.
C) The time the Certificate is affixed shall be entered in

- Field 20.
D) The complete eleven-digit Certificate serial number shall be entered in Field 21.
- 17) Field 22 - Total Costs for Safety Test
A) Field 22 is mandatory for all Lanes other than I Lanes. Field 22 is optional for I Lanes.
B) Subtotal fees are separated into the following categories:
i) Test fee;
ii) Labor charge;
iii) Parts charge;
iv) Sales tax; and
v) Certificate of Safety fee categories.
- 1) The legal section on the reverse side of the Commercial Vehicle Safety Report must be completed as follows:
1) Item 1 - Vehicle Owner's Identification
A) Enter the complete name and address of the owner as shown on the proof of ownership or registration material.
B) Information shall be printed legibly and no abbreviations are acceptable.
2) Item 2 - Driver's signature
3) Item 3 - CST signature
A) Must be complete name.
B) Legal signature only.
4) Item 4 - Retesting CST Signature
A) Completed only when a rejected vehicle returns for retest.
B) The CST performing the retest and signing Item 4 does not have to be the same CST who performed the original safety test.
- j) For each replacement Certificate issued, field numbers 1-7, 10-13 (code only "Replacement Certificate of Safety" bubble at right end of "Glazing" line), 15, 16 code amount of Certificate of Safety fee if charge was made; skip this field if no charge was made), and 19-21 shall be completed on a VIR.
k) Before beginning the safety test, the CST shall remove any old Certificates of Safety already affixed to the vehicle.
l) The Certificate of Safety fee shall not be charged to the driver until the Certificate is issued.
m) Safety tests requiring fleet number information can be shown on the second and third copies of the VIR. The fleet number should be inserted in the lower prescribed area on the VIR labeled "fleet number."
n) It is the responsibility of the Official Testing Station Owner to issue, submit and file the completed Vehicle Inspection Report copies as listed below:
1) Top Copy: Submitted to the Department.
A) Copy is held at the Station until the first Monday following the test.
B) Each Monday all VIRs completed the previous week are to be mailed to the following address:

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Illinois Department of Transportation
2300 S. Dirksen Parkway
Room 022
Springfield, IL 62764

- 2) Second Copy: Issued to Driver.
- 3) Third Copy: Filed at Official Testing Station.
 - A) To be filed in an organized manner listed below:
 - i) Certificate of Safety code (i.e., TRK, TRL, SHB or RBV).
 - ii) Certificate of Safety serial number (Field 21).
 - iii) Date and time Certificate of Safety is applied.
 - iv) Month Certificate of Safety is applied.
 - B) For school bus inspections, the corresponding wheel pull form (i.e., SB6) shall be attached to the third copy.
 - C) The third copy shall be preserved, protected, and retained for a minimum of eighteen months from Certificate of Safety issuance date.
 - D) The third copy shall be available for inspection by Department personnel during regular business hours.
- o) Vehicle Inspection Reports - Rejected Vehicles
 - 1) First and third copies are to be retained at the Station for thirty days.
 - 2) Second copy allows thirty days for repair and return to the original Station for retest.
 - 3) If the vehicle is returned for retest within the thirty day period of time, the VIR is to be completed and copies distributed as in subsections (n)(1), (2) and (3).
 - 4) If at the end of thirty days the vehicle has not returned for a retest, the first (top) copy of the VIR is forwarded to the CVSS with the following Monday's VIRs. The third copy is filed in the eighteen month file by month of original test.
- p) Vehicle Inspection Reports - Incomplete Vehicles
 - 1) The first and third copies of the VIR shall be held at the Station for sixty days.
 - 2) The second copy allows sixty days for completion and return to the original Station for retest.
 - 3) If the vehicle is returned for retest within the sixty day period, the VIR is completed and copies distributed as in subsections (n)(1), (2), and (3).
 - 4) If at the end of the sixty days the vehicle has not returned for retest, the first (top) copy of the VIR is forwarded to the CVSS with the following Monday's VIRs. The third copy is filed in the eighteen month file by month of original test.

Section 451.160 Official Testing Station Forms, Records and Reports

- a) The following forms, records, supplies and reports which are required for the operation of an Official Testing Station shall be prescribed

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and furnished by the CVSS:

- 1) VIR-1 - Vehicle Inspection Report
- 2) SVI-1312 - Rejected Vehicle Report
- 3) SVI-1241-1 - Lost or Stolen Certificate Report
- 4) SVI-1280 - Defective, Multilrated or Replacement Certificate of Safety Report
- 5) GVI-R075 - Certificate of Safety Requisition Form
- 6) SVI-1274 - Requisition form for all supplies, including Certificates of Safety. Receipt for Certificates of Safety.
- 7) VIR Mailers - Envelopes used to return top copy of VIR to the Department for tabulation. Do not use these envelopes for any other purposes.
- b) All required forms, records, supplies and reports will remain the property of the Department.
- c) All forms, completed records and reports shall be kept in a secure place within the Official Testing Station.
- d) Furnished materials shall be available for inspection by Department personnel anytime during the Station's required regular business hours.
- e) Upon request of the Department, all materials and supplies furnished by the Department will be surrendered immediately to Department personnel when the Station is either temporarily or permanently closed.
- f) It shall be the Station Owner's responsibility to maintain a supply of all forms needed in the operation of the Official Testing Station. These forms may be obtained from the CVSS by submitting the prescribed order form. It shall be the owner's responsibility to make sure his employees utilize the proper forms.
- g) It shall be the Station Owner's responsibility to mount in a prominent place, within the Lane or immediately adjacent, a display board to contain the following items which are furnished by the CVSS:
 - 1) Official Testing Station Permit;
 - 2) Certificate of each CST;
 - 3) Test Procedure Chart;
 - 4) Lighting Devices and Reflectors Chart;
 - 5) Approved inspection fee per axle as shown on the Vehicle Inspection Station Price Schedule (if applicable);
 - 6) Approved school bus inspection fee as shown on the Official School Bus Testing Lane poster (if applicable);
 - 7) Vehicle Identification Number (VIN) Chart; and
 - 8) Consumer Information, Vehicle Owner Rights, and Warning Chart.
- h) The items required to be displayed shall be posted immediately upon receipt.
- i) The posted items shall be covered and protected, either individually or as a group, by a transparent material to preserve their neat and legible appearance.
- j) The board displaying the posted items must be accessible and visible to the vehicle's driver waiting for a safety test.
- k) The Station Owner shall advise the CVSS immediately if any of the

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- posted items need to be reissued due to their being inaccurate, invalid, illegible or no longer current.
- 1) All posted items remain the property of the Department.

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Section 451. APPENDIX A Inspection Procedures/Specifications for Type I School Buses

SUBJECT	PROCEDURES/SPECIFICATIONS	REJECT VEHICLE IF
a) AIR CLEANER	Any type is acceptable.	No air cleaner is present.
b) AISLE	Unobstructed minimum clearance leading from service door to emergency door (or back of bus) must be at least 12 inches (305 mm) wide. For buses manufactured in July 1987 or later, aisle width at two inches below top of seat back must be 15 inches (380 mm). Floor to ceiling height must be a minimum of 68.9 inches (1.75 m) at any location within the aisle.	Does not meet minimum standards or is obstructed.
c) ALTERNATOR (GENERATOR)	The generator, or alternator with rectifier, shall have a minimum capacity rating of 60 amperes and shall be capable of meeting all electrical requirements.	Does not meet minimum standards or is not functioning.
d) AXLES	Must meet federal chassis requirements as indicated on federal certification label. 49 CFR 568	Visible signs of apparent damage or not firmly attached.
e) BARRIER, GUARD	A guard barrier, constructed and thickly padded so as to provide head, knee and leg protection, shall be installed in front of each forward facing passenger seat that does not directly face the rear surface of another passenger	Barrier is not solidly attached. Padding or covering shows wear and tear. Does not meet requirements.

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seat. The barrier must measure the same height as the passenger seat back directly behind that barrier (i.e., 24 inches). 49 CFR 571.222

In a bus manufactured in January 1988 or later, guard barriers must measure the same height as the seat back directly behind that barrier (i.e., 28 inches).

Exception: In a bus manufactured from July 1, 1987, to December 31, 1987, the barrier may be less than the required 28 inch seat back.

Exception: In a bus with chassis (incomplete vehicle) manufactured in March 1977 or earlier, the barrier may consist of a floor-to-ceiling vertical stanchion, padded to within three inches of ceiling and floor, and a stanchion-to-wall, fully padded, horizontal guard rail. However, if located adjacent to stepwell, this type barrier shall include a stepwell guard panel that extends from the stanchion to the wall and from the guard rail to within two inches of the floor.

Exception: All buses manufactured prior to September 1974 are exempt from padding on stanchions and guard rails.

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BATTERIES

One or more batteries may be mounted either in engine compartment or on outside of passenger/driver area. Battery (or batteries together) in a 12 volt system shall be rated, when new, to provide the following:

Not securely mounted; excessively corroded; not rated for manufacturer's cold cranking current and reserve capacity or ampere-hour ratings.

Engine manufacturer's recommended Cold Cranking Current (amperes for 30 seconds) at -18 degrees C (0 degree F) or, at the purchaser's option, at -29 degrees C (-20 degrees F). The battery(s) shall provide a Reserve Capacity (duration of 25 ampere current flow) at 27 degrees C (80 degrees F) for no less than 135 minutes.

Low rate discharge capacity of 90 ampere-hours or more (20 hour discharge test at 80 degrees F).

Exception: A bus manufactured in August 1974 or earlier may have a 70 ampere-hour battery, in a 12 volt system.

Check condition.

Cables are corroded.
Not securely attached.

When the battery is mounted outside the engine compartment it shall be welded or bolted in a closed, weather-tight, and vented compartment that is located and arranged so as

Does not meet requirements.

g) BATTERY
CABLESh) BATTERY
CARRIER

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	to provide for convenient routine servicing. The battery compartment door, or cover, shall be secured by a manually operated latch or other fastener. A latch or fastener must be designed in such a fashion as to keep the door closed when in the latched position. Each electrical cable connecting the battery in this carrier to the body or chassis shall be one piece between the terminal connector and the first body or chassis terminal connector.	3) Emergency /Parking Brake	<i>Emergency/parking braking system must apply brakes to at least two wheels. (Section 12-301(a) of the Illinois Vehicle Equipment Law).</i> Micro brakes are not considered a separate means of breaking and are not acceptable. Procedures for testing: 1) Apply operating control fully.	inch (.75mm) over marked discard limit on any bus. 4) Other rework (rebore, reface) limit specified by chassis manufacturer.
1) BRAKES	Every motor vehicle shall be equipped with two separate means of applying the brakes and they shall be so constructed that failure of any one part of the operating mechanism shall not leave the motor vehicle without brakes. (Section 12-301(a) of the Illinois Vehicle Equipment Law)	AGENCY NOTE:	Does not meet requirements. Not equipped with emergency/parking brakes. Operating mechanism does not hold in the applied position. Actuating mechanism does not fully release when release control is operated properly.	
1) Backing Plate	Check condition.		Brake Performance Test: Using drive-on pad type tester: 1) Drive vehicle onto brake machine pads at 4-8 m.p.h. 2) Apply emergency/parking brakes to bring vehicle to a halt. Do not lock wheels. 3) Note the braking forces registered by the brake machine.	
2) Drums/Discs	Inspect drums and/or discs for cracks or for being worn or reworked beyond the marked discard limit.			Machine does not register a total braking force of at least 20% of vehicle empty weight. Braking forces at opposite wheels on same axle vary more than 20%.
	Backing plate is in poor condition.		Using roller type tester:	
	Worn or reworked beyond the following limits: 1) Drum diameter .040 inch (1mm) under marked discard limit on Type I bus. 2) Drum diameter .030 inch (.75mm) under marked discard limit on Type II bus. 3) Disc thickness .030			

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1) Position axle with emergency brake onto roller.		Machine does not register a total braking force of at least 20% of vehicle empty weight.
2) Apply emergency brake but do not lock wheels.		Braking forces at opposite wheels on same axle vary more than 20%.
4) Emergency Brake Ratchet (Pedal or Lever)	Must be in proper adjustment.	Does not meet requirements
5) Pedal Clearance (Service Brakes)	Minimum 1 1/2 inch clearance with pedal fully depressed.	Does not meet requirements.
6) Power Systems A) Air	With air system fully charged (compressor governor "cut-out") run engine at low idle. Make one full (maximum) brake application and immediately record reservoir air pressure. Apply and release brakes until pressure is at least 10 psi (i.e., pounds per square inch) below governor "cut-in" pressure. Run engine at high idle and determine seconds required to raise reservoir pressure from recorded pressure.	Time required to raise air pressure from recorded to cut-out is more than 30 seconds.
B) Electric/Hydraulic	Turn engine "off." Depress service brake pedal. Electric	Electric pump does not operate properly or is absent.

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C) Hydraulic	hydraulic pump must come "on" (listen). Inspect booster system belt(s), supports, tubes, hoses, connections and general condition. Clean reservoir, cover as necessary and check booster fluid level. Do not contaminate fluid. Turn engine "on." Warning signal must come on (look/listen). Depress brake pedal lightly. Start engine. Pedal must move down slightly (feel). Warning signal must go "off" (look/listen).	Belt is slack or worn; tube or hose is damaged; any part leaks or is cracked; booster fluid is low. Either booster or warning signal does not operate properly.
D) Vacuum/Hydraulic	Inspect tank(s), chambers, hoses, tubes, connectors, clamps, and booster air cleaner. Inspect supports and attachments. 1. Any component is restricted, collapsed, scraped, cracked, loose, or broken. Booster air cleaner is clogged. 2. Any support or attachment is broken. Any connecting line or other component is not attached or supported so as to prevent damage from scraping or rubbing. 3. Foot pedal does not fall away from foot when engine is started; insufficient vacuum reserve to permit one full service brake	With engine off, repeatedly apply service brakes until vacuum is depleted, with medium pressure on brake pedal, start engine; release

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7) Service Brakes	<p>brake and operate engine until maximum vacuum is established; stop engine; apply service brakes hard. With brakes still applied, start engine; after one minute of running engine, check "Low Vacuum" indicator.</p> <p>Must be equipped with service brakes on all wheels. (Section 12-301(a)(5) of the Illinois Vehicle Equipment Law) Must be equipped with a "split system" on service brakes. 49 CFR 571.105 Power-assisted service brakes are required. 49 CFR 571.105</p>	<p>application after engine is off without actuating "low vacuum" indicator; valve or diaphragm leaking.</p> <p>Do not meet requirements.</p> <p>Do not meet requirements.</p> <p>Do not meet requirements.</p>	<p>Do not lock wheels. Note the braking forces register by the brake machine.</p> <p>Using Roll-On Type Tester:</p> <p>When using roller-type tester each axle must be tested separately. Transmission must be in neutral when testing brakes on any drive axle. Drive front axle onto rollers. Start roller motor. Apply service brakes but do not lock wheels. Repeat the above step for each axle.</p> <p>The total braking force on a vehicle must be determined by adding the results of the test on each axle.</p>	<p>Machine does not register a total braking force of at least 60% of the vehicle empty weight.</p> <p>Braking forces at opposite wheels on same axle vary more than 20%.</p> <p>Braking forces at opposite wheels on same axle vary more than 20%.</p>	<p>Machine does not register a total braking force of at least 60% of the vehicle empty weight.</p> <p>Braking forces at opposite wheels on same axle vary more than 20%.</p>
A) Brake Report and Certification Form (SB6)	<p>Verify SB6 for following:</p> <ol style="list-style-type: none"> 1) Proper completion. 2) Issued not more than 10 days before safety test. 3) Correct brake mileage. 	Absent or invalid SB6.	j) BUMPER, FRONT	<p>Either channel type, formed of rolled steel at least .177 inch (4.5 mm) (approximately 3/16 inch) thick, or approved energy absorbing type.</p> <p>Buses manufactured in August 1974 or later must have 7.9 inches (200 mm) or more vertical black face.</p> <p>Bumper must extend to outer edges of fenders and other front end sheet metal. Must be of strength to permit pushing vehicle of equal weight without permanent distortion.</p> <p>Exception: Buses</p>	<p>Does not meet thickness, face height and color requirements. Must be solidly attached, in good condition, free from damage and sharp edges.</p>
B) Brake Performance Test	<p>Using Drive-On Pad Type Brake Tester:</p> <p>Check vehicle's stopping ability before testing. Drive vehicle onto brake machine pads at 4-8 m.p.h. Apply service brakes to bring vehicle to a halt.</p>				

SUBJECT	PROCEDURES/SPECIFICATIONS	REJECT VEHICLE IF	SUBJECT	PROCEDURES/SPECIFICATIONS	REJECT VEHICLE IF
k) BUMPER, REAR	<p>manufactured prior to September 1974 are exempt from bumper thickness and 7.9 inch face requirement.</p> <p>Channel steel at least .18 inches (4.55 mm) (approximately 3/16 inch) thick with a minimum 8.9 inch (225 mm) black face, full wrap around and attached so as to prevent hitching rides (i.e., "nonhitchable").</p> <p>Shall be attached so that removal is possible by commonly available hand tools.</p> <p>Shall be of strength to permit bus being pushed by another vehicle without permanent distortion.</p> <p>"Nonhitchable" is defined as the rear of the bus being designed and maintained to prevent or discourage riding or grasping rear of bus so as to "hitch" rides.</p>	<p>Does not meet requirements.</p> <p>Not solidly attached.</p> <p>Sharp edges are present.</p> <p>Rear bumper is hitchable.</p>		<p>certification label in each bus either manufactured on or after June 1, 1971, or built-up from a chassis manufactured on or after June 1, 1971. The manufacturer's certification might be supplemented by an alterer's certification. The manufacturer's label must contain the following information:</p> <ol style="list-style-type: none"> 1) Name of vehicle (bus) manufacturer and the month and year in which manufacture of the vehicle was completed; 2) Name of incomplete vehicle (chassis) manufacturer and the month and year in which he performed his last manufacturing on the incomplete vehicle; 3) Gross vehicle weight rating, or ratings (GVMR); 4) Gross axle weight ratings (GAWR); 5) The statement, "This vehicle conforms to all applicable federal motor vehicle safety standards in effect in (month/year)"; 6) The vehicle identification number (VIN); 7) The vehicle's classification (usually "bus"). 49 CFR 567.5 	<p>or not permanently affixed. "permanently affixed" means the label cannot be removed without destroying or defacing it.</p> <p>A certification label does not contain the required statement and all other information required for that label.</p>
l) CERTIFICATE AND REGISTRATION CARD HOLDER	<p>At least one card holder with a transparent face no less than 5.9 inches by 3.9 inches (150 mm by 100 mm) shall be securely affixed to the inside header panel out of students' easy reach.</p>	<p>Does not meet requirements.</p>			
m) CERTIFICATION LABEL	<p>1) Federal</p> <p>Federal rules require a permanently affixed manufacturer's</p>	<p>A required label is absent, defaced, destroyed, not riveted,</p>			

Alterer's certification: A certified vehicle might have been altered before its purchase for use as a school bus. The alterations may have included, but are not limited to, classification changes, gross weight rating changes, or changes to the application/effective date of a federal motor vehicle safety standard. If any such alteration occurred, the bus must carry an additional federal label that identifies the alterer, shows when alteration was completed, "as altered" GVWR, GAWR and classification (if changed). It must also state that the altered vehicle conforms to all applicable federal motor vehicle safety standards in effect in (month/year). 49 CFR 567.7

2) State

The State of Illinois requires a certification label in each new Type I bus constructed upon a chassis (incomplete vehicle) that was manufactured in April 1977 or later. This label may be displayed in earlier buses.

The month shown on the State of Illinois certification label is earlier than the month shown in the statement of conformance to federal standards on the federal certification label.

The Vehicle Identification Number (VIN) on the state and federal certification labels is not the same number.

- When displayed, this label must contain:
- 1) Name of vehicle (bus) manufacturer (usually same as on federal label);
 - 2) An identification of the completed bus by VIN; and

n) DEFROSTERS

Using heat from heaters and circulation from fans, defrosting equipment shall keep the windshield, the windows to the left of the operator, and the glass in the service door clear of fog, frost, and snow. Auxiliary fans are not

Defrosting system does not function properly.

- 3) A statement that the bus conforms to all applicable Illinois minimum safety standards in effect on the first day of the same month shown in the latest statement of conformance to federal standards, or on the first day of a later month.

New buses that have been manufactured to meet other than Illinois construction standards, but have been sold for use in Illinois, must display a federal and state certification label certifying that all Illinois requirements have been met.

Used buses that have been manufactured to meet other than Illinois construction standards, but have been sold for use in Illinois, must either display federal and state labels or obtain a letter of approval from DOT administration personnel verifying all Illinois construction standards have been met. Such letter must remain on the bus at all times.

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Shall have permanently attached inside and outside release handles. Outside release handle must be non-hitchable. Rear exit shall hinge on right; open outwards; have a 24 inch or more clear horizontal opening and 45 inch or more clear vertical opening above floor. Glazing shall be installed in upper and lower portions. Alarm shall be audible at door when door is not fully latched while engine is running. (See EMERGENCY EXIT - Alarms and Locks.)

Exception: Buses manufactured before September 1974 are exempt from glazing in lower portion of rear emergency door.

3) Emergency Window

When the emergency door is located on the left side a rear emergency window shall be provided. Minimum 16 inches high and 48 inches wide. Designed to be opened from the inside or the outside. Hinged on top, designed and operated to insure against accidental closing in an emergency. Inside handle shall provide for quick release. Outside handle shall be nondetachable and nonhitchable. When not fully latched, window shall actuate alarm audible to driver. No cutoff switch allowed.

4) Alarms and

open easily. Location of hinge is incorrect. Size of opening is incorrect. Glazing does not meet requirements. General condition of door (rubber and seal) is poor. Door alarm does not operate properly (see EMERGENCY EXIT - Alarms and Locks).

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Locks

Audible and visual alarms shall alert driver when engine is running and any emergency door either:

- 1) Is not fully latched, or
- 2) Is locked and not readily operated manually.

Also, engine starting system shall not operate while any emergency door is locked by any means that prevents ready manual operation without using a tool, key, or combination. Alarm cut-off or "squelch" control is prohibited. Exception: On a bus with chassis (incomplete vehicle) manufactured in March 1977 or earlier, the "not fully latched" alarm may only be audible to the seated driver. The engine starting system may operate while the emergency door is locked.

r) ENTRANCE DOOR

1) Physical Requirements

Minimum 24 inch horizontal opening. Minimum 68 inch vertical opening. Jack-knife or split type door required on buses purchased after September 1974. If split type door is used and one section opens inward and the other outward, front section shall open outward. Door shall be located on the right side near the front, convenient to the seated driver's unobstructed vision. Entrance door shall

Binding or jamming is evident, malfunctions, not equipped, over-ride device on power operated door does not function, control not accessible by driver.

*Door is missing, loose, or torn.

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be power or manually operated from the driver's seat and designed to afford easy release and prevent accidental opening. No parts of the hand lever shall come together so as to shear or crush fingers. Vertical closing edges shall be equipped with flexible material to prevent injury. Lower and upper panels of door shall be of safety glass or equivalent. Bottom of lower panel shall be not more than 35 inches from ground when unloaded. Top of upper glass panel shall be not more than 6 inches from top of door. No door is permitted to left of driver.

A service door equipped with power shall also be capable of manual operation in case of power failure.

Exception: All buses purchased prior to September 1974 are exempt from split type door. They may be split, sedan, or jack-knife type.

2) Locks and Alarms

A service door lock is not required, but if any type of service door locking system is installed on the bus, the system shall conform to the following:

1) The locking system shall not be capable of preventing the seated driver from easily and quickly opening the

Locks and alarms do not meet requirements. Bent, worn, or dislocated parts that would delay quick door release and opening are present.

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service door.

2) The locking system shall include an audiovisual alarm. The alarm shall emit sound and light (or other visual indication) that demands attention and will alert the seated driver when the engine is running and the service door is locked.

An alarm disconnect, "squench control," or other alarm defeating or weakening device shall be prohibited.

Exception: A bus with chassis (incomplete vehicle) manufactured in March 1977 or earlier is exempt from driver being seated; that is, the driver may move from driver's seat to interior side of service entrance to operate service door.

s) EXHAUST SYSTEM

"Exhaust System" includes each component used to conduct gas from an engine exhaust port (manifold) to authorized exit point, including each sealing, connecting, and supporting component. Exhaust system shall be outside body and attached to chassis. Size of tailpipe shall not be reduced after it leaves muffler. Any flexible component that contains exhaust gas shall be of stainless steel. System shall not leak.

All parts of system are not securely fastened and supported.

Any part is leaking, missing, or patched.

Any part contains holes not made by manufacturer.

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1) Shielding	shall have an outlet at its discharge end(s) only. Any flammable material, electrical insulation, brake hose, or fuel system component containing fuel that is located within 11 13/16 inches (300 mm) of a component containing exhaust gas shall be safeguarded by a heat shield. Exhaust system shall be shielded from either accidental "hitching to," or "standing on," except at discharge end. A chassis or body component may provide required shield. The exhaust system's discharge end (tailpipe) shall be within .98 inch (25 mm) of bus side, rear, or rear corner, but not to rear of rear bumper and not outside a side rub rail; however, it may be more than .98 inch (25 mm) below bumper or body skirt. Gas shall not be directed towards a door or other opening into bus body. In addition, the discharge end, or ends shall not be located in any prohibited zone shown in illustration B.		u) FILTER, OIL	Replaceable element or cartridge type. Minimum one-quart capacity.	Does not meet requirements.
2) Discharge			v) FIRE EXTINGUISHER	Pressurized dry-chemical gauge type approved by Underwriters' Laboratories, Inc., rating of not less than 10 B.C. mounted in bracket and readily accessible. Sealed with a type of seal that will not interfere with operation. If stored in locked compartment, compartment must be labelled.	Gauge does not indicate in the calibrated or marked "Full Charge" area. Seal is broken. Extinguisher is not mounted, not in a quick release holder or not labelled in compartment, if applicable.
			w) FIRST AID KIT	Kit shall be readily identifiable, removable, and mounted in readily accessible place in driver's compartment -- either in full view or in specified secured compartment (see LOCKED COMPARTMENT). If not carried in compartment, the case shall be dust tight and substantially constructed of durable material. The contents shall include, but not be limited to, either the following Type 1 or Type 2. Type 1: Unit Type (Minimum Contents) 4" bandage compress... 2 pkgs (May be 1 package in bus with chassis [incomplete vehicle] manufactured in March 1977 or earlier.) 2" bandage compress... 2 pkgs	Kit is not complete. Dust or other visible dirt is present inside case. Individual packages are not sealed. Medicine or tourniquet is present. Locked compartment containing kit is not labelled.
t) FENDERS	Shall be properly braced and free from any body attachment. There shall be approximately one inch located between front fenders and back face to cowl.	Fenders are not solid or in bad condition. Sharp edges are evident. Fenders are loose or protrude out.			

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x) FLOORS AND FLOOR COVERING	(May be 1 package in bus with chassis [incomplete vehicle] manufactured in March 1977 or earlier.) 1" bandage or adhesive compress..... 1 pkg 40" triangle bandage with two safety pins .. 1 Splint, wire or wood .. 1 Type 2: Commercial Type (Minimum Contents) Sterile gauze pad 3" x 3" 30 Gauze bandage 2" x 5 yds. 10 Adhesive tape, 1" .. 2 1/2 yds. (The above three may be longer or wider) 40" triangle bandage with two safety pins ... 1 Wire or wood splint 1 Scissors 1 A tourniquet or any type of ointment, antiseptic, or other medicine shall not be included.	Abnormal wear and obstructions are present. Holes or openings are present in floors, floor covering, or boots.
	Covering in underseat area, including tops of wheel housings, driver's compartment, and toeboard shall be covered with fire-resistant floor covering of type commonly used in passenger transportation equipment. The floor covering in the aisle and entrance area shall be a nonskid, wear-resistant, fire-resistant, and rib type commonly used in commercial passenger transportation vehicles. Covering must be	
y) FRAME AND BODY	Visually inspect: 1) Body mounts shall be attached and sealed to the chassis cowl so as to prevent the entry of water, dust or fumes through the joint between the chassis cowl and the body. 2) Cross member mounting bolts. 3) Engine mounting bolts. 4) Frame shall extend to rear of body cross member. 5) Frame extension is permitted when alterations are behind rear hanger or rear springs and not for the purpose of extending wheel base.	1) Cracked, loose, missing bolts. Any repair done by welding body to frame, insulation strip missing. 2) Loose, cracked, broken or missing. 3) Missing, loose. 4) Cracked, broken, bent, rusted to a depth as to substantially weaken frame - welding except by body manufacturer. 5) Unless permitted, frame extends past wheel base.
	permanently bonded to floor and must not crack when subjected to sudden changes in temperature. Bonding or adhesive material shall be waterproof. All seams must be sealed with waterproof sealer. All openings in floorboard or firewall between chassis and passenger-carrying compartment must be solid and sealed. Boots and seals around shift levers and emergency brakes must be secure and solidly attached.	
z) FUEL STORAGE AND DELIVERY SYSTEM	Entire fuel system, except extensions for	Any part of fuel system, except extensions for

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1) Fuel Filler Cap	driver control of air or fuel, must be outside passenger and driver compartment. Meets federal specifications. Must be the same as or equivalent to original equipment. 49 CFR 393.67	driver control of air or fuel, is within passenger/driver compartment. Defective or missing.
2) Fuel Lines	Firmly attached. No leakage, seepage, abrasion, or chafing. Must be 11 13/16 inches (300 mm) from any part of exhaust system that contains exhaust gas or be safeguarded by a heat shield. Inside engine compartment, the chassis manufacturer's standard shall govern separation and shielding between parts designed by chassis manufacturer.	Cracked, leaks, insecure mounting, damaged, clamps missing, mount clips missing or not separated or not shielded properly.
3) Fuel Filler Tube	Check condition.	Leaks or is not secure.
4) Fuel Pump	Check condition.	Leaks, damaged, or is not secure.
5) Fuel Tank(s)	Tank must be safeguarded by structure that protects from side or angular impact blows. 49 CFR 571.301 Exception: A bus with chassis (incomplete vehicle) manufactured in March 1977 or earlier is exempt from	Leakage, seepage, or abrasion; hole or crack that would leak or seep when tank is full.

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6) Fuel tank mount(s)	being equipped with a tank guard structure. Check condition.	Cracked, loose, bolts missing.
7) Fuel tank straps	Check condition.	Cracked, loose, or missing.
8) Propane relief valve/piping	The relief valve discharge shall be vented to the left, or driver's side, of the vehicle and up the outside near or at the driver's station and then to the eave of the roof line. It must not reach above this point and must be nonhitchable. Where it is possible to do so, it is acceptable to run the discharge piping between the inner and outer walls of the bus. On existing installations, if the discharge pipe is run through the inside of the bus, the following criteria shall also apply: The pipe shall be galvanized. No connections may be made inside of the bus, in other words, the pipe should be one length and threaded only on the exterior, both top and bottom. The pipe shall be covered with a material, such as foam rubber, to prevent a person from hurting themselves if they were	Propane relief valve/piping system is not properly installed.

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pushed or fell against the post.

The pipe must be securely clamped with a u-bolt on the bottom to hold it in place. If the pipe goes through the vertical stanchion, the vertical stanchion shall be bolted, both top and bottom, as it was originally constructed.

In all cases, the discharge piping shall terminate above the window line. An appropriate rain cap arrangement shall be provided to prevent the entry of water, ice, etc., into the discharge piping.

aa) GRAB

HANDLES

1) Exterior

At least one step grab handle shall be located on each side at front of body so as to provide

Missing or loose.

2) Interior

Stainless clad steel with measurements not less than 10 inches long located in unobstructed location inside doorway.

Not solidly attached.

bb) HEATERS

Nameplate must identify manufacturer and heater rating capacity. Must be capable of maintaining inside temperature of 50 degrees. The heater hoses shall be supported to guard against excessive wear due to vibration and shall not interfere with or restrict the operation of any engine function. Any hose in the passenger compartment shall be protected to prevent

Poor working condition; defective hoses, supports or baffles.

injury from burns in the event of rupture.

cc) HOOD

Open hood and inspect safety catch and hinges for proper operation. Close hood and inspect for proper full closure. Manually inspect latches or remote control for proper operation.

Hood does not open or hood latches do not securely hold hood in its proper fully-closed position. Secondary or safety catch does not function properly. Hinge is broken, missing, or not attached to body.

dd) HORN

At least one horn shall be provided giving an audible warning at a distance of 200 feet and shall be conveniently controlled from the operator's seated position. (Section 12-601 of the Illinois Vehicle Equipment Law)

Horn control is missing, defective or not audible.

ee) INSTRUMENTS

AND

INSTRUMENT

PANEL

Shall be equipped with the following nonglare illuminated, instruments and gauges mounted for easy maintenance and repair and in such a manner that each is clearly visible to the seated driver. An indicator light instead of a pressure or temperature gauge is permissible. 49 CFR 571.101

Does not operate properly; instruments are missing; inaccurate readings.

1) Speedometer;

2) Odometer;

3) Fuel Gauge;

4) Oil Pressure Gauge;

5) Water Temperature Gauge;

6) Ammeter with graduated

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- charge and discharge indications;
7) High beam headlight indicator;
8) Directional signal indicator;
9) Air pressure or vacuum gauge (when air or vacuum brakes are used);
10) Eight light flasher indicator.

ff) INSULATION The ceiling and sidewalls shall be thermally insulated with a fire-resistant material which shall reduce the noise level and vibrations. Does not meet requirements.

gg) LETTERING

- 1) Exterior The body and chassis manufacturer's name, emblem, or other identification may be displayed (colorless or any color) on any unglazed surface of the bus. Does not meet requirements. Lettering or decals are not black, distinct, required or allowed.
- A) Front "SCHOOL BUS" in black at least eight inches (200 mm) high placed as high as possible on body or sign attached thereto. Vehicle number assigned for identification shall be a minimum of four inches (100 mm) high and located as high as practicable. Decals are permissible. All lettering must be black. (Section 12-802 of the Illinois Vehicle Equipment Law) Does not meet requirements. Lettering is not black, distinct, required or allowed.
- B) Left Owner's name and school district number must be at least four inches Does not meet requirements. Lettering is not black, distinct,

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high, approximately centered and as high as practicable below window line. (Section 12-802 of the Illinois Vehicle Equipment Law)
If bus is equipped with a side emergency door or emergency windows which are knock-out type, they are to be labelled "EMERGENCY EXIT" in letters at least two inches high directly below window.
Optional: Vehicle number assigned for identification may be displayed at a minimum height of four inches (100 mm).
Decals are permissible. All lettering must be black.

- C) Rear "SCHOOL BUS" in black lettering at least eight inches (200 mm) high placed as high as possible on body or sign attached thereto. (Section 12-802 of the Illinois Vehicle Equipment Law)
"EMERGENCY DOOR" or "EMERGENCY EXIT" in lettering at least two inches high at top of emergency door, or directly above, or on door glazing at least 44 inches (1.12 m) above floor level.
"EMERGENCY EXIT" (for buses without rear emergency door) in letters at least two inches high directly below rear emergency window, or on exit glazing at least 44 inches above floor level.
An arrow, at least 5.9 inches in length and 3/4 Lettering or arrows are not black, distinct, required, or allowed.

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inches in width indicating direction each release mechanism should be turned to open door or window located within 5.9 inches of release handle, in black. Vehicle number assigned for identification shall be a minimum 4 inches (100 mm) high. Decals are permissible. All lettering must be black.

If bus uses alternate fuel (e.g., propane, CNG), vehicle must be marked with identifying decal. Such decal shall be diamond shaped with white or silver scotchlite letters one inch in height and a stroke of the brush at least 1/4 inch wide on a black background with a white or silver scotchlite border bearing either the words or letters:

"PROPANE" = If propelled by liquefied petroleum gas other than liquefied natural gas; or
"CNG" = If propelled by compressed natural gas. The sign or decal shall be maintained in good legible condition.

The alternate fuel decal shall be displayed on or near the rear bumper and visible from the rear of vehicle. (Section 12-704.3 of the Illinois Vehicle Equipment Law)

D) Right Owner's name and school district number must be at least four inches (100 mm) high, approximately

Lettering or decals are not black, distinct, required, or allowed.

centered and as high as possible below window line. (Section 12-802 of the Illinois Vehicle Equipment Law)

The following lettering must be at least two inches (50 mm) high:

1. The word "CAPACITY," or abbreviation "CAP," and the rated passenger capacity followed by the word "PASSENGERS," or the abbreviation "PASS," shall be displayed on the outside of the body near the rear edge of the service entrance.

2. Empty weight, in both pounds and newtons, must be shown. Empty weight is indicated by "EW" and newtons is indicated by "N." (Section 12-802 of the Illinois Vehicle Equipment Law)

3. If emergency window is installed, "EMERGENCY EXIT" shall be displayed on or immediately below emergency window.

Manufacturer's identification name or emblem may be displayed, but not on service door glazing. Manufacturer's name or emblem must not interfere with required lettering. Decals are permissible. All lettering must be black. Exception: A bus with chassis (incomplete vehicle) manufactured in March 1977

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or earlier need not show empty weight in newtons. Weight in newtons (N) = weight in pounds (lb) x 4.448222 (or 4.45).

2) Interior
A) Front
Each letter or numeral must be at least two inches (50 mm) high and contrasting sharply with background. A colorless background strip (such as white, aluminum or silver) may be used. Decals are permitted.

On right side: Either "CAPACITY" or "CAP." plus numerals showing rated passenger capacity, followed by either "PASSENGER" or "PASS."

As nearly as practicable opposite the center of aisle, but to right of inside mirror, either "NO STANDEES" or "NO STANDEES PERMITTED."

A red cross formed of five equal squares with words "FIRST-AID-KIT" shall be displayed on the compartment door, or cover, if the first-aid kit is to be carried in the locked compartment.

The words "FIRE EXTINGUISHER" shall be displayed on the compartment door, or cover, if the fire extinguisher is to be carried in the locked compartment.

Exception: On a bus with chassis (incomplete vehicle) manufactured in March 1977 or earlier, "NO STANDEES"

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need not be opposite center of aisle and the word "PASSENGERS," or "PASS," is optional.

B) Left
A "Stop Line" in contrasting color is required between 5.9 and 6.1 inches (150 mm and 150 mm) below the top of the window opening. The line shall be located between each window that slides downward.

C) Rear
"EMERGENCY DOOR" or "EMERGENCY EXIT" in letters at least two inches (50 mm) high painted or permanently affixed either directly above each emergency exit, or on top metal of exit (door or window), or on top of exit glazing at least 44 inches (1.12 m) above floor. An arrow indicating the direction in which to move release mechanism handle(s) to open emergency exit shall be painted or permanently affixed within six inches of each release handle. All lettering and arrow(s) must contrast with background. Decals are permitted.

Does not meet requirements. Line or line and lettering is not distinct, required, or allowed.

Does not meet requirements. Lettering is not black, distinct, required, or allowed.

Does not meet requirements. Line or line and lettering is not black, distinct, required or allowed.

D) Right
A "Stop Line" in contrasting color is required between 5.9 and 6.1 inches (150 mm and 150 mm) below the top of the window opening. The line shall be located between each window that slides downward. Decals are permitted.

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hh) LIGHTS		
1) Back Up	Instructions for emergency operation of a power operated door shall be affixed permanently on the inside of the door in letters at least .5 inch high. Decals are permitted.	Does not function; illegal color; broken glass.
2) Clearance, Front	Two white lights shall be provided. Must meet federal standards. 49 CFR 571.108 Exception: All buses purchased prior to September 1974 are exempt; however, for any unit equipped with back up lamps, they must be operational.	Does not function; improper color; broken glass.
3) Clearance, Rear	Two clearance lights (amber) at highest and widest portions of the body. Must conform to federal standards. 49 CFR 571.108. May be combined with side marker lamp.	Does not function; improper color; broken glass
4) Cluster, Front	Two clearance lights (red) mounted at highest and widest part of body. Must conform to federal standards. 49 CFR 571.108	Does not function; improper color; broken glass.
5) Cluster, Rear	Three amber lights mounted at center front near top of body above "SCHOOL BUS" sign. Must conform to federal standards. 49 CFR 571.108	Does not function properly; improper color broken glass.

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6) Flashing Lights	<p>All school buses purchased after December 31, 1975, shall be equipped with an eight light flashing signal system with two red and two amber flashing signal lamps mounted above windshield spaced no less than three feet apart and at same horizontal level. The rear of the vehicle shall be equipped with two red and two amber flashing signal lamps mounted and spaced no less than three feet apart and at same horizontal level. Minimum diameter 5 1/2 inch sealed beam.</p> <p>Effective December 31, 1978, all school buses shall be equipped with the eight light flashing signal system described in the above paragraph. (Section 12-805 of the Illinois Vehicle Equipment Law)</p> <p>A separate circuit breaker and a master switch shall be provided for this signal system. When in its "Off" position this master switch shall prevent the following:</p> <ol style="list-style-type: none">1) Operation of the 8 lamp system;2) Operation of any lamps mounted on the stop signal arm;3) Operation of any	<p>properly; improper color; broken glass.</p> <p>Does not function properly; broken lens or improper lens color.</p>

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electrically controlled mechanism that would cause the stop signal arm to extend.

The controls for the eight lamp flashing signals, the stop signal arm and the service entrance door shall be arranged so as to provide for the following sequence of operations while the engine is running.

- 1) Place the alternately flashing signal system master switch in its "off" position. Close and secure the service entrance door. Actuate the alternately flashing signal system hand or foot control. The alternately flashing signal lamps of either yellow (amber) or red color shall not go on.
- 2) With the master switch "off" and the hand or foot control actuated, open the service door. The alternately flashing signals of either color shall not go on and the stop signal arm shall not extend.
- 3) Deactivate the hand or foot control. Place the alternately flashing signal system master switch in its "on" position. Close and secure the service door. Open the service door. The alternately flashing

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signal lamps of either color shall not go on and stop signal arm shall not extend.

- 4) Close and secure the service door. Actuate the alternately flashing signal system by hand or foot control. A yellow pilot lamp in the view of the driver and the yellow alternately flashing signals shall go on.
- 5) Desecure but do not open the service door. The yellow pilot and the yellow alternately flashing signals shall go off. A red pilot lamp in the view of the driver and the red alternately flashing signals shall go on. The stop signal arm shall extend.
- 6) Fully open the service door. The red pilot and red signals shall remain on and the stop arm shall remain extended.
- 7) Close but do not secure the service door. The red pilot and red signals shall remain on and the stop arm shall remain extended.
- 8) Open the service door. The red pilot and red signals shall remain on and the stop arm remain extended.
- 9) Open the service

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door. Alternately flashing signals of either color shall not go on and the stop arm shall not extend.

7) Headlights

Shall have at least two sealed-beam headlights with at least one mounted on each side of the front of the bus. Lamp body must be securely attached. Lenses, reflectors, bulbs, etc., must be in good condition, properly aimed (see Aiming Procedures below) and fill required intensity. Shall conform to federal standards. 49 CFR 571.108

Do not meet requirements.

A) Aiming

Use approved calibrated headlamp tester according to manufacturer's instructions. The headlamp tester shall be in good repair and calibration. All type "2" lamps, regardless of size, must be aimed and tested on low beam. Check for bulb burnout and proper beam switching. Check springs for sag or broken leaves. Clean lenses.

Headlights are not aimed properly.

B) Test Procedures

- 1) Upper Beam Aim
Applies only to 5 3/4 inch Type "1" sealed beam headlamp units.
- 2) Lower Beam Aim
The following type headlamp units are to be tested only on the lower beam:
5 3/4 inch - Type "2" sealed beam, or

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7 inch - Type "2" sealed beam.

8) Interior

Adequate to illuminate aisles, step well, and emergency passageways.

Does not provide adequate lighting; cracked or broken lenses; improper color.

9) License Plate

Adequate white light to illuminate license plate. 49 CFR 571.108. May be combined with one of the tail lights.

Does not provide adequate lighting; cracked or broken lenses; improper color.

10) Marker, Left

Two lamps: one amber at front and one red at rear, mounted as high as practicable. Shall conform to federal standards. 49 CFR 571.108
Exception: All buses purchased prior to September 1974 are exempt.

Does not meet requirements; does not function properly; improper color; cracked or broken lenses.

11) Marker, Right

Two lamps: one amber at front and one red at rear, mounted as high as practicable. Shall conform to federal standards. 49 CFR 571.108
Exception: All buses purchased prior to September 1974 are exempt.

Does not meet requirements; improper color; cracked or broken lenses.

12) Parking Light

Shall be one lamp on each side; white or amber color. 49 CFR 571.108

Does not meet requirements; improper color; cracked or broken lenses.

All buses 80 or more inches in overall width which are equipped with side marker lamps, clearance lamps, and intermediate side marker lamps are exempt from having

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18) Turn Signal, Right (armored)	<p>purchased prior to September 1974 are exempt from having left armored turn signals.</p> <p>Flush mounted "armored" type amber clearance lamp mounted at approximately seat level and rub rail height just to rear of service door. Functions with regular turn signal lamps.</p> <p>Exception: All buses purchased prior to September 1974 are exempt from having right armored turn signals.</p>	Exception: Chassis manufactured prior to April 1, 1977, may have yellow or red turn signals with arrow lenses. 49 CFR 571.108	Not readily accessible to driver; lettering or identification missing; alarm does not function properly when compartment is locked and vehicle is running.
19) Turn Signal, Front	<p>One amber lamp at least four inches in diameter, or 12 1/2 square inches, located on each side at or near the front. They shall be located at the same height and as far apart as practicable. Lamps must conform to federal standards. 49 CFR 571.108</p> <p>Operate turn signals and four-way warning hazards to check performance of front and rear lights.</p>	ii) LOCKED COMPARTMENT	<p>Fire extinguisher, first-aid kit, and warning devices may be stored either in a closed, unlocked compartment or under lock and key, provided the locking device is connected with an automatic warning signal that will alert driver when compartment is locked. The automatic alarm shall be both audible and visible to the seated driver. The alarm shall alert the driver when the engine is running and the compartment is locked and not readily opened without using a tool, key, or combination. An alarm cut-off or "squeelch" control is prohibited.</p> <p>Each safety item inside the compartment shall be named on the outside of the compartment cover, or door. In addition, a RED CROSS formed of five equal squares shall be displayed on the cover when the first aid kit is inside the compartment. Exception: A bus with chassis manufactured in March 1977 or earlier need not have a visible alarm.</p>
20) Turn Signal, Rear	<p>Chassis manufactured after March 31, 1977, must have two 7 inch diameter, or 19 square inch, amber lenses mounted on the rear as far apart and as high as practicable below rear window. 49 CFR 571.108</p>	jj) MIRRORS	<p>Every required mirror shall be of reflecting material protected from</p> <p>Does not meet requirements; defective; excessively clouded; not</p>

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the most forward surface of the right front tire and the rear of the rear bumper. The projected reflecting surface of this convex mirror shall be at least 40 square inches (7 1/8 inches diameter if a circle). Extra-wide-angle convex mirror heads are permissible on right front corner only. Exception: A right safety mirror is optional on a bus manufactured in August 1974 or earlier.

C) Left Side Safety

The seated driver shall have a reflected view of the roadway along the left side of the bus between the front edge of the driver's seat (in most forward position) and the rear of the rear bumper. If the left driving mirror system does not give that view, a convex mirror shall be installed that, either alone or in combination with the driving mirror, does give the seated driver that view. Exception: A left safety mirror is optional on a bus with chassis manufactured in March 1977 or earlier.

D) Cross Over Mirror

An outside convex mirror shall give the seated driver a view of the front bumper and the area of roadway in front of the bus. The projected

adjustable; not securely attached; cracked or broken glass.

Does not meet requirements; defective; excessively clouded; not adjustable; not securely attached; cracked or broken glass.

Shall be mounted outside. Must give seated driver a view to the rear along each side of bus. Must be at least 50 square inches of usable flat rectangular reflecting surface on each side. 49 CFR 571.111. A convex driving mirror may be installed to expand the driving view to the rear, provided the usable flat reflecting surface is rectangular and is at least 50 square inches.

Exception: When a convex driving mirror is installed on a bus manufactured in August 1974 or earlier, the usable flat reflecting surface need not be rectangular but must be at least 50 square inches.

Does meet

An outside convex mirror, either alone or in combination with the driving mirror system, shall give the seated driver a view of the roadway along the right side of the bus between

B) Right Side Safety

requirements; defective; excessively clouded; not adjustable; not securely attached; cracked or broken glass.

An outside convex mirror, either alone or in combination with the driving mirror system, shall give the seated driver a view of the roadway along the right side of the bus between

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	<p>reflecting surface of this mirror shall be at least 40 square inches (7 1/8 inches diameter if a circle). 49 CFR 571.111</p> <p>Exception: If the seated driver "Of a forward control bus has a direct view of the front bumper and the area of roadway in front of the bus, a cross over mirror is optional.</p>		
2) Interior	<p>Clear view safety glass, minimum 6 inches x 30 inches overall; framed with rounded and padded corners and edges. It shall afford good view of the bus interior and portions of the roadway to the rear.</p> <p>Exception: All buses manufactured prior to September 1974 are exempt from padding on the mirror.</p>	<p>Does not meet requirements; defective; excessively clouded; not adjustable; not securely attached; cracked or broken glass.</p>	
kk) PAINT REQUIREMENTS	<p>The exterior of the body, excluding the required rails, shall be painted a uniform color, National School Bus Glossy Yellow. The front and rear bumpers, required rub rails and wheels shall be black. Additional rub rails may either be painted black or yellow. Grilles and hub caps may be a bright finish (e.g., chrome, anodized aluminum, etc.). Retaining rings may be gray or aluminum.</p> <p>Manufacturer's name or emblem may be any color but</p>	<p>Does not meet color requirements; paint in poor condition (i.e., faded, peeling or rusted).</p>	
11) PROJECTIONS	<p>1) Exterior</p> <p>Entire rear and bumper area of bus must be nonhitchable. "Nonhitchable" is defined as the rear of the bus being designed and maintained to prevent or discourage riding or grasping rear of bus so as to "hitch" rides.</p> <p>AGENCY NOTE:</p>	<p>Does not comply with nonhitchable projection requirements.</p>	
2) Interior	<p>Interior shall be free of all unnecessary projections. Remaining projections shall be padded to prevent injury. This includes inner lining of ceiling and walls. Installation of book racks is not permissible.</p> <p>Exception: All buses purchased prior to September 1974 may be equipped with book</p>	<p>Projections are not padded (e.g., external speakers). Book racks are present.</p> <p>Flush mounted speakers are exempt from padding requirements.</p> <p>For buses purchased prior to September 1974, book racks do not meet requirements.</p>	

must not interfere with required lettering, numbering, or arrows. (Section 12-801 of the Illinois Vehicle Equipment Law)

Optional: Black areas around flashers are permitted. Must not interfere with "SCHOOL BUS" lettering.

Exception: Fenders on buses manufactured prior to January 1976 may be painted black. (Section 12-801 of the Illinois Vehicle Equipment Law)

Exception: Hoods may be lusterless black or lusterless school bus yellow.

Interior shall be free of all unnecessary projections. Remaining projections shall be padded to prevent injury. This includes inner lining of ceiling and walls. Installation of book racks is not permissible.

Exception: All buses purchased prior to September 1974 may be equipped with book

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racks. However, if book racks are present, they shall be above side windows and shall not extend forward of the front seat or across or above the emergency door. Racks must be free of projections likely to cause injury.

mm) REFLECTORS
1) Front

Two yellow rigid or sheet type (tape) front reflex reflectors shall be attached securely and as far forward as practicable. (Section 12-202 of the Illinois Vehicle Equipment Law) They shall be located between 15 and 60 inches above the roadway at either fender, cowl, or body and installed so as to mark the outer edge of the maximum width of the bus. No part of the required reflecting material may be obscured by a lamp, mirror, bracket, or any other portion of the bus. No part of the required reflecting material may be more than 11.8 inches (300 mm) inboard of the outer edge of the nearest rub rail (12 inches on a bus with chassis manufactured in March 1977 or earlier). The reflector may be any shape (e.g., square, rectangle, circle, oval, etc.). A rigid type reflex reflector may be any size if permanently marked either DOT, SAE A, or SAE J 594; otherwise, it shall display at least seven square inches

Missing or damaged reflective material; not located or positioned as required.

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of reflecting material (about 3 inch diameter if a solid circle). A sheet type (tape) reflex reflector may conform to the surface on which it is installed but its forward projected reflecting area shall be at least eight square inches.

2) Left Side

Missing or damaged reflective material; not located or positioned as required.

One amber at or near the front and one red at or near the rear. Mounted at a height not less than 15 inches and not more than 60 inches above the surface of the road. On sides of buses 20 feet or more in length, one amber as near center as practicable must also be provided. (Section 12-202 of the Illinois Vehicle Equipment Law) Minimum three inches in diameter.

3) Right Side

Missing or damaged reflective material; not located or positioned as required.

One amber at or near the front and one red at or near the rear. Mounted at a height not less than 15 inches and not more than 60 inches above the surface of the road. On sides of buses 20 feet or more in length, one amber as near center as practicable must also be provided. (Section 12-202 of the Illinois Vehicle Equipment Law) Minimum three inches in diameter.

4) Rear

Two red reflectors on rear body within 12 inches of lower right and lower left corners. (Section 12-202 of the

Missing or damaged reflective material; not located or positioned as required.

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Illinois Vehicle Equipment Law) Minimum three inches in diameter.

nn) RUB RAILS

There shall be one rub rail located approximately at seat level which shall extend from the rear of the service entrance completely around the bus body without interruption, except at a rear emergency door or a rear compartment, to a point of curvature near the front of the body on the left side.

There shall be one rub rail on each side located approximately at the floor line which shall extend over the same longitudinal distance as the rub rail located at the seat level. More than two rub rails may be installed on sides and rear of bus.

Rub rails of longitudinally corrugated or ribbed steel at least 3.9 inches (100 mm) wide shall be fixed on the outside of the bus.

Exceptions:

- 1) Rub rail need not extend across wheel housing.
- 2) Rub rail may terminate at the point of curvature at the right and left rear corners of the body.

oo) SEAT BELTS

Must be installed on driver's seat. (Section 12-807 of the Illinois Vehicle Equipment Law) Belt material, buckle, tongue, etc. shall remain

Reject if dirty, frayed, torn, cracked or broken or if retractor or buckle does not operate properly.

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above floor when not in use. All retractors installed shall be an automatic locking type.

Exception: On a bus manufactured in August 1974 or earlier, a retractor must be installed; however, the belt, etc., need not remain above floor but must not be excessively dirty.

In buses manufactured prior to September 1974, seat belt is excessively dirty.

pp) SEAT, DRIVER'S

The driver's seat shall be rigidly positioned and shall afford vertical, forward and backward adjustments of not less than 3.9 inches (100 mm) without the use of a tool or non-attached device. The shortest distance between the steering wheel and the back rest of the operator's seat shall be no less than 11 inches (280 mm).

Seat padding and covering shall be in good condition, free from holes and tears. Seat cushions shall be securely fastened to the seat frame.

Not securely anchored to floor; in poor condition; adjustment mechanism does not function properly.

qq) SEAT, PASSENGER

All seats shall have a minimum front to rear depth of 14 inches. In determining seating capacity of a bus, individual seating width shall be 13 inches where 3-3 (three pupils on both sides of aisle) seating plan is used and 15 inches where 3-2 (three pupils on one side of

Not firmly attached to body; broken frame; cushions not firmly attached; padding and covering not fire resistant. Padding or covering is loose, in poor condition, or missing; seats are torn or have holes; minimum seat dimensions or seat spacing are not in

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compliance.

aisle and two pupils on other side of aisle) plan is used.

All seats shall be forward facing and shall be securely fastened to that part or parts of the body which support them. No jump or portable seats are allowed. The forwardmost seat on the right side of the bus shall be located so as not to interfere with the driver's vision and not be farther forward than the rear of the driver's seat when adjusted to its rearmost position.

The center-to-center seat spacing shall be no more than 24 inches, measured at cushion height. The distance between the rearmost position of the driver's seat and the front face of the seat back of the forwardmost seat on the left side shall not be less than 24 inches measured at cushion height.

A minimum of 36 inches of headroom for the sitting position above the top of the undeepressed cushion line of all seats shall be provided. Measurement shall be made vertically not more than 7 inches from the side wall at cushion height and at the front and rear center of cushion.

Seat backs of similar size shall be of the same width at the top and of the same height from the floor and shall slant at the same angle with the floor.

Buses manufactured after

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June 30, 1987, shall be equipped with 28 inch seat backs. (Section 12-807.1 of the Illinois Vehicle Equipment Law)

Buses manufactured after December 31, 1987, shall have 28 inch guard barriers. All buses manufactured

during and after September 1974 shall be equipped with energy absorbing padding on all exposed top and side rails. The side rails shall be padded in such a manner to retain the 12 inch aisle (15 inches at two inches below top of seat back for buses manufactured after

June 30, 1987). On the rear of a seat back, the padding shall extend from the top of the seat back to the top level of the seat cushion.

Seat padding and covering shall be of fire resistant material. Padding and covering shall be in good condition (i.e., free from holes and tears). Seat cushions shall be securely fastened to the seat frame.

Optional: The rearmost seats may be exempt from seat back padding requirement.

Exception: All buses manufactured prior to September 1974 are exempt from padding on top and side rails and seat back to cushion level. Buses purchased prior to September 1974 may be equipped with fiberglass seats. If so equipped, they must meet or exceed the following

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requirements:
1) Fiberglass seats must meet all foregoing provisions for seats except those concerning construction of seat cushions and seat backs.

looseness). Either grasp wheel at top and bottom or use a bar for leverage. Attempt to rock wheel in and out. Check movement at extreme top or bottom of tire. If movement exists, place a dial indicator, tape measure, or a fixed device at the wheel and measure amount of movement. Place leverage bar under tire. Raise bar to check for vertical movement between spindle and support axle.

2) Fiberglass seats shall combine rigid construction of welded tubular steel with contoured matched die-formed or hand-sprayed molded plastic shell. Exposed steel shall be stainless steel or shall be finished with baked enamel.

3) Plastic shells shall consist of good commercial, fire-resistant, color-pigmented resin reinforced with glass fibers in such manner as to avoid resin-rich sections. Shells shall be shaped to provide maximum comfort.

4) Both metal frames and plastic shells shall have rounded corners and be free from sharp edges.

rr) STEERING SYSTEM
1) Exterior
A) King Pins

Raise vehicle so as to unload kingpins (brakes should be applied to eliminate wheel bearing Wheel bearing movement exceed 1/4 inch; or kingpin movement exceeds:

B) Linkage

For buses with single "I" beam or tube type front axle, hoist bus under axle.

For buses with

twin "I" beam type front axles or with "A" frame control arms, each axle or arm must be hoisted independently so as to load the ball joints. Grasp front and rear of tire and attempt to shake assembly right and left to determine linkage looseness. Measure movement of wheel.

Inspect for damage to or looseness in the following linkage components:

- 1) Ball Joints
- 2) Cotter Pins
- 3) Drag Link
- 4) Idler Arm
- 5) Pitman Arm
- 6) Steering Box
- 7) Tie Rod
- 8) Tie Rod Ends

Any linkage component is bent; welded; loose; insecurely mounted or missing.

Rim Diameter	Maximum Allowable Movement
16" or less	1/4"
17" and 18"	3/8"
over 18"	1/2"

Measurement is found to be in excess of:

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SUBJECT	PROCEDURES/SPECIFICATIONS	REJECT VEHICLE IF
C) Power Steering	Manually and visually inspect: 1) Belts 2) Cylinders 3) Fluid Level 4) Hoses 5) Mounting Brackets 6) Power Assist 7) Pump	Steering components are: 1) Loose, frayed, cracked, missing; incorrect belts. 2) Loose and/or leaking. 3) Low fluid level 4) Cracked, leaking, rubbed by moving parts. 5) Cracked, loose, or broken. 6) No assist is evident. 7) Loose, leaking.
D) Toe-In/Toe-Out	With wheels held in a straight ahead position, drive vehicle slowly over the approved drive-on side slip indicator. Excessive toe-in or toe-out is a general indication that complete check should be made of all front wheel alignment factors (caster, camber, steering axis inclination).	More than 30 feet per mile on the approved side slip indicator.
E) Wheel Bearings	With the front end of the vehicle lifted so as to load any ball joints, grasp the front tire top and bottom, rock it in and out. Record movement. To verify that any looseness detected is in the wheel bearing, notice the relative movement between the brake drum or disc and the backing plate or splash shield. Wheel bearing play can be eliminated by applying service brakes.	Relative movement between drum and backing plate, measured at tire, is 1/4 inch or more.
AGENCY NOTE:	Inspect to determine that Column support bracket is	
2) Interior	A) Column	

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SUBJECT	PROCEDURES/SPECIFICATIONS	REJECT VEHICLE IF
	column support bracket is properly tightened and all bolts are present.	not properly tightened or bolts are missing.
B) Lash	With road wheels in straight ahead position, turn steering wheel until a turning movement can be observed at the left road wheel. Slowly reverse steering wheel motion and measure lash.	Lash exceeds following acceptable limits: Steering wheel maximum diameter (inches) circumference 16 or less 2 18 2 1/4 20 2 1/2 22 2 3/4
C) Shaft	Grasp steering wheel with both hands and attempt to move shaft up and down.	Steering shaft moves up and down.
D) Steering Wheel	Inspect steering wheel condition.	Steering wheel is damaged. Any spokes are missing or reinforcement ring is exposed.
E) Travel	Turn steering wheel through a full right and left turn checking for binding, jamming and complete travel left and right.	Binding or jamming is present. Does not complete full turn from left to right. Tire rubs on fender or frame during turn.
ss) STEPS, ENTRANCE	Steps shall be enclosed and shall not protrude beyond side body line. Surface shall be of nonskid material with 1 1/2 to 3 inch white nosing as part of the nonskid material. Riser of upper step not more than 15 inches in height. When more than two steps are used, risers must be approximately of	
	Steps or risers are not solid. Steps, risers or nonskid material covering is missing, loose, or not in good condition.	

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<u>SUBJECT</u>	<u>PROCEDURES/SPECIFICATIONS</u>	<u>REJECT VEHICLE IF</u>	<u>SUBJECT</u>	<u>PROCEDURES/SPECIFICATIONS</u>	<u>REJECT VEHICLE IF</u>
tt) STOP ARM PANEL	<p>equal height, except when floor is plywood over steel. (Increase by thickness of plywood.)</p> <p>A stop arm panel must be installed on the left side of the bus and may be operated either manually or mechanically. The arm shall be a hexagon shaped semaphore approximately 18 inches wide and 18 inches long and of 16-gauge metal. The stop arm signal shall have the "STOP" painted on both sides in white letters at least six inches high with a brush stroke approximately 7/8 inches wide. The word "STOP" shall be painted on a panel with red background of approximately 8 inches by 16 inches. Remaining area of stop arm blade is to be painted white with a band of white border at least 1/2 inch wide painted front and rear on both sides as contrast. White portion of stop arm signal shall be reflectorized or shall have double-faced lamps with red lens approximately four inches in diameter located in the top and bottommost position of the blade. These lamps shall light and flash when stop arm is extended and likewise turn off and stop flashing when arm is closed. Decals may be used in lieu of painting. (Section 12-803 of the Illinois Vehicle Equipment</p>	<p>Stop arm panel is in poor condition (i.e., faded, peeling, or rusted); lights do not operate properly (if installed); not securely attached; not operating properly.</p>	uu) STORAGE COMPARTMENT (optional)	<p>Covered, fire-resistant container securely fastened of adequate strength and capacity for tire chains and tools for minor emergency repairs.</p> <p>Interior, adjustable, transparent, not less than 6 inches by 30 inches, installed above windshield. Must not interfere with view of interior rear view mirror.</p> <p>Exemption: Buses purchased prior to August 1967 are exempt from having a transparent sun shield.</p>	<p>Law) (See Illustration A for example.)</p> <p>If installed, does not meet requirements.</p>
			vv) SUN VISOR	<p>Interior, adjustable, transparent, not less than 6 inches by 30 inches, installed above windshield. Must not interfere with view of interior rear view mirror.</p> <p>Exemption: Buses purchased prior to August 1967 are exempt from having a transparent sun shield.</p>	<p>Does not meet requirements.</p>
			ww) SUSPENSION	<p>Bus shall be equipped with front and rear double-acting shock absorbers compatible with manufacturer's rated axle capacity.</p> <p>With vehicle on a hoist or jacked up, visually inspect shock absorbers for excessive leakage, looseness of mounting, brackets, and bolts.</p> <p>Physically grab upper and lower portion of shock inspecting for looseness in rubber bushing, mounting brackets or bolts.</p>	<p>Severe leakage (not slight dampness) occurs. Mounting bolts or mounts are broken or loose, or rubber bushing is partially or completely missing.</p>
			1) shocks	<p>Bus shall be equipped with front and rear double-acting shock absorbers compatible with manufacturer's rated axle capacity.</p> <p>With vehicle on a hoist or jacked up, visually inspect shock absorbers for excessive leakage, looseness of mounting, brackets, and bolts.</p> <p>Physically grab upper and lower portion of shock inspecting for looseness in rubber bushing, mounting brackets or bolts.</p>	<p>Severe leakage (not slight dampness) occurs. Mounting bolts or mounts are broken or loose, or rubber bushing is partially or completely missing.</p>
			2) Springs	<p>Visually inspect:</p> <p>A) Coil</p> <p>1) spring</p>	<p>Coil is missing, disconnected, broken,</p>

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SUBJECT	PROCEDURES/SPECIFICATIONS	REJECT VEHICLE IF
B) Leaf	<p>2) control arms</p> <p>3) torque arms (rear)</p> <p>With use of a pry bar and using frame as a pivot, attempt to pry front and rear spring attachments and check for movement. Front of vehicle must be jacked up on chassis for checking front suspension. Visually inspect:</p> <ol style="list-style-type: none"> 1) Springs 2) Shackles 3) Hangers 4) U-bolts 5) Center bolts 6) Bushings or pivot 	<p>loose bushings, welded or damaged.</p> <p>Springs are broken. Shackles or "U" bolts worn or loose. Center bolt in springs sheared or broken. Steering stops allow tire to rub on frame or metal. Any leaves are cracked or missing. Any shackle, shackle pins, hangers, or "U" bolts are worn, loose, or missing.</p>

C) Torsion

Bar	
(Stabilizer Bar)	Visually inspect:
1) Torsion bar	Missing, disconnected, broken, loose, welded, damaged.
2) Mounting brackets	
3) Control arms	
4) Torque arms (if applicable - rear)	
5) Stabilizer bar(s) (if applicable)	

xx) TOW HOOKS

(Optional)	
1) Front	<p>A front tow hook must not extend beyond the front of the front bumper. Each front tow hook not fastened securely to the chassis frame shall be connected to the frame by suitable braces.</p>
2) Rear	<p>Any tow hook(s) installed on the rear shall be attached or braced to the chassis frame or to an</p>

Tow hook(s) extend beyond bumper; not securely attached.

Tow hook(s) extend beyond bumper; not securely attached.

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SUBJECT	PROCEDURES/SPECIFICATIONS	REJECT VEHICLE IF
yy) UNDERCOATING	<p>equivalent structural member of an integral type bus. A tow hook must not extend beyond the rear face of the rear bumper.</p> <p>Fire resistant undercoating material applied to entire underside of body, front fenders, wheel wells, floor members, and side panels below floor level. Non-metallic parts need not be coated.</p>	<p>Does not meet requirements.</p>
zz) VENTILATION	<p>Body must be equipped with ventilating system capable of supplying proper quantity of air under operating conditions.</p>	<p>Air is obstructed; not securely fastened; not covered.</p>

aaa) WARNING DEVICES

Required warning devices are not present or are in poor condition.

Either three red cloth flags not less than 12 inches square and three red reflectors minimum of 3 inches in diameter or three bidirectional emergency triangles that conform to 49 CFR 571.125 (Section 12-702 of the Illinois Vehicle Equipment Law) Kit shall be securely stored.

bbb) WHEELS

1) Housings Full open type attached to floor sheet to prevent water, fumes or dust entering the body. Inside height should not exceed 10 inches above floor line. Housings shall allow for unimpeded wheel and tire service or removal. Housing shall provide clearance for installation and use of tire

Does not meet clearance requirement; wheel housing is not firmly secured; holes are present.

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SUBJECT	PROCEDURES/SPECIFICATIONS	REJECT VEHICLE IF	SUBJECT	PROCEDURES/SPECIFICATIONS	REJECT VEHICLE IF
	chains on the dual or single tires installed on the rear wheels. Inspect tire and road wheel assemblies.	A tire or wheel is rubbing against any portion of the suspension, chassis, or body.		tread depth gauge. Do not measure on a tie-bar, groove hump, fillet, or tread wear indicator.	4/32 inch (drive axle is 2/32 inch) in any two adjacent grooves at three essentially equally spaced intervals around the circumference of the tire. On steering axle, tread groove depth is less than 4/32 inch (drive axle is 2/32 inch) when measured in a major groove at a point half way between the center of the tire and the outside of the tread at three essentially equally spaced intervals around the circumference of the tire. The lateral width of any bald area (measured across the tire between bordering grooves) is 1/4 or more of the tread width (measured across the tire between the outer edges of the outermost tread elements).
2) Rim	Inspect all wheel and rim bolts, nuts, studs, lugs, locking rings, etc. Each cover, cap, or decorative ring that obscures any of these items must be removed prior to the inspection. Inspect for visible wheel damage.	Any wheel or rim securing device such as a nut, bolt, stud, lug, ring, or other type securing device is loose, missing or cracked.	3) Tires without tread wear indicators and with noncircumferential grooves, or "spaces," between the tread elements (as in snow, mud, lug knob, or traction treads).		
3) Tires	A regrooved, retreaded, or recapped tire shall not be on the front steering axle. A tire with restricted use marking is prohibited. (e.g., "NHS" or "SL" following size marking, "Off Highway," "Farm Use," "Racing Only," etc.) Inspect for tread wear. Check for the presence of tread wear indicators. 1) Tires with tread wear indicators. 2) Tires without tread wear indicators. Use	Wheel locating hole(s) are elongated, oversized, or "wallowed out." Any part of a wheel or rim is cracked, repaired by welding or rewelding, or damaged so as to cause unsafe operation of the vehicle. Regrooved, retreaded or recapped tire is located on front steering axle. Restricted marking is present.	4) Tires with treads that are bald, partially bald, cupped, dishd, or unevenly worn.		
		Tread wear indicators contact road in any two adjacent grooves at three equally spaced intervals around the circumference of the tire. On steering axle, tread groove depth is less than	"Bald" means without a groove. Inspect for visible cord damage and exposure of ply cords in sidewalls and treads, including belting material cords. Inspect for evidence of tread or sidewall separation.		

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SUBJECT	PROCEDURES/SPECIFICATIONS	REJECT VEHICLE IF
	Inspect for regrooved or recut treads	Tread has been regrooved or recut on a tire that does not have the word "REGROOVABLE" molded on or into both sides of the tire.
AGENCY NOTE:	49 CFR 369 require tires marked "REGROOVABLE" to have sufficient tread rubber that, after regrooving, cord material below the grooves shall have a protective covering of tread material at least 3/32 inch thick. Inspect tires for legible markings showing size designation and carcass construction.	A tire on a road wheel does not exhibit a legible size marking and a legible construction marking.
AGENCY NOTE:	"R" in size designation shows radial construction. More plies at tread than sidewall shows belted construction. Same number of plies at tread and sidewall, without a belted or radial indication, shows plain bias construction. Tires on same axle must be of same construction. Inspect tires for size designation and for matched construction.	Tires on the same axle are not of same construction. A tire exceeds the diameter (not width) of its mate by 1/2 inch (1/4 inch radius) or more; or one tire touches its mate.
AGENCY NOTE:	"Construction" refers to bias, bias belted, or radial arrangement of ply cords in the tire carcass. Inspect each single dual tire assembly. A mixture of regular and	Does not meet requirements.

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SUBJECT	PROCEDURES/SPECIFICATIONS	REJECT VEHICLE IF
	mud-and-snow treads must be same on both sides of axle.	Does not meet requirements.
	When radial and conventional tires are both used on a vehicle, one of the following two requirements shall be met:	
1.	On vehicles with one single wheel axle and one or more dual wheel axles, radial tires shall be used on the steering (i.e., front) axle only.	
2.	On vehicles having two single wheel axles, radial tires shall be used on the rear axle only.	Does not meet requirements.
	A tube built only for bias tire shall not be installed in a radial tire. Red color shall not be added to stem of a "bias" tube. (Valve stem of tube for radial tire is either "radial" or is painted red.) A "radial" tube and flap may be used in a bias tire. Inspect valve stems.	A valve stem leaks; is cracked; is either damaged or positioned so as to hamper pressure checking or inflation; shows evidence of wear because of misalignment.

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SUBJECT

ccc) WINDOWS

PROCEDURES/SPECIFICATIONS

All applicable provisions of 49 CFR 571.205 apply to the optional laminated safety glass and also to any plastic material(s) used in a multiple glazed unit. Glazing shall be marked as follows pursuant to 49 CFR 571.205:

- 1) Windshield - AS 1 Glass
- 2) Driver's Window - AS 1 Glass or AS 2 Glass
- 3) Driver's door - AS 1 Glass or AS 2 Glass.
- 4) All other locations - AS 1 Glass, AS 2 Glass, or AS 3 Glass

1) Emergency
(Also see
EMERGENCY
EXITS)

The following provisions have been established in accordance with 49 CFR 571.217.

If the bus is not equipped with a rear emergency door, a rear emergency window shall be provided. The window shall be 16 inches in height and as wide as practicable. It shall open from the inside and the outside and be top-hinged. It shall be devised and operated to insure against accidental closing in an emergency. Inside handle shall provide for quick release. Outside handle shall be nondetachable and nonhitchable. When not fully latched, window shall actuate signal audible to driver. No cutoff switch allowed.

2) Rear

Glazed panels, or

Visibility through rear

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SUBJECT

PROCEDURES/SPECIFICATIONS

REJECT VEHICLE IF

windows, (except rear emergency window) shall be of fixed type and installed in the rear of the bus so the seated driver has a reflected view through the rear of the bus as wide and as high as practicable. Such view shall be as low as allowed by the backs of the rear seats. When the aisle extends to a rear emergency door, an additional lower window panel shall be installed so the driver has an additional view through such panel at least the width of the required aisle and as low and high as practicable. Any authorized or required signs, letters or numerals displayed on the window in the rear of the bus shall be located at least 44 inches above floor line.

3) Side

Each side window shall provide unobstructed emergency opening at least 9 inches high and 22 inches wide, obtained either by lowering window or by use of knock-out type split sash. A "Stop Line" is required six inches from top of window on all windows. Safety glass with exposed edges shall be banded.

Window latches must be in proper working order.

4) Windshield

Shall be installed between front corner posts and designed not to

windows is obstructed. Lettering is not at least 44 inches above floor level. Glass is cracked or broken.

Does not meet emergency opening requirements. Window does not open easily. Glass is cracked or broken. Stop lines are missing.

Latches do not operate properly.

Windshield is not firmly sealed or attached. Glass is broken, cracked,

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SUBJECT	PROCEDURES/SPECIFICATIONS	REJECT VEHICLE IF
	obstruct driver's view. (Section 12-501 of the Illinois Vehicle Equipment Law) Windshield shall be slanted to reduce glare. Tinted safety glass shall only be allowed six inches below top of windshield.	or discolored (not including allowed tint).
ddd) WINDSHIELD WASHER	Windshield washer shall effectively clean entire area covered by both wipers. Exception: All buses purchased prior to September 1974 are exempt. However, if bus is so equipped, washer must be in good operating condition.	Washer does not effectively clean entire area or does not operate properly.
eee) WINDSHIELD WIPER	Two automatic, variable speed wipers with nonglare arms and blades. Need not be individually powered.	Wiper does not cover entire cleaning area. Blades are damaged, torn, hardened, or rubber wiping element has broken down. Wiper fails to park properly when shut off.

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Section 451.APPENDIX B Inspection Procedures/Specifications for Type II School Buses

SUBJECT	PROCEDURES/SPECIFICATIONS
a) AIR CLEANER	Same as Section 451.Appendix A(a).
b) AISLE	Unobstructed minimum clearance leading from service door to emergency door or back of bus must be at least 12 inches wide. Floor to ceiling height must be a minimum of 58.9 inches at any location within the aisle. Reject procedures same as in Section 451.Appendix A(b).
c) ALTERNATOR (GENERATOR)	The generator, or alternator with rectifier, shall have a minimum capacity rating of 55 amperes and shall be capable of meeting all electrical requirements. Reject procedures same as in Section 451.Appendix A(c).
d) AXLES	Meets federal chassis requirements as indicated on federal certification label. 49 CFR 568. Wheel base shall not be less than 123 inches. Reject procedures same as in Section 451.Appendix A(d).
e) BARRIER, GUARD	Shall be either the following Type A or B: Type A: Constructed and thickly padded to give head and knee impact protection. Installed at the rear of service entrance at least 23 inches ahead of seat back and no more than one inch from right hand wall, bottom shall be no more than two inches above floor. Guard barrier shall match width and above-floor height of the seat-back on right-front forward-facing seat; provided, however the barrier's width shall be reduced as necessary to maintain a 12 inches wide service entrance way and aisle. Except for a grab handle, the guard barrier shall not extend more than one inch ahead of the rear of service door opening nor more than 1 inch into the space above any service step. No portion of the barrier shall present a "snagging," sharp, tripping, or other hostile surface to a person moving through aisle or service entrance way. Type B: Stanchion post shall be installed to the rear and left of the service entrance step well from floor to ceiling with guard rail attached approximately 30 inches above the floor. A step well guard panel installed from stanchion to right hand wall and from guard rail to within two inches of floor. Clearance between step well and first seat should be at least 24 inches measured from panel to

SUBJECT	PROCEDURES/SPECIFICATIONS	SUBJECT	PROCEDURES/SPECIFICATIONS
f) BATTERY OR BATTERIES	front face of seat back at cushion height. All stanchion and guard rails shall be padded. Padding on the stanchions shall extend to within 3 inches of ceiling and floor; on guard rail it shall extend from wall to stanchion. 49 CFR 568 Exception: All buses manufactured prior to September 1, 1974, require Type A or B. Buses manufactured from September 1, 1974, to March 31, 1977, require Type A. Exception: Buses manufactured after April 1, 1977, are not required to have guard barriers. Reject procedures same as in Section 451.Appendix A(e).	j) BUMPER, FRONT	Power assisted brakes are required. 49 CFR 571.105 Manufacturer's standard for vehicle or an equivalent bumper which meets or exceeds manufacturer's standards. Black color is not required. Reject procedures same as in Section 451.Appendix A(j).
		k) BUMPER, REAR	Manufacturer's standard for vehicle and so attached or shielded between body and bumper as to prevent hitching rides or tows. Black color is not required. Exception: A bus manufactured in October 1978 or earlier is exempt from having a non-hitchable bumper. Reject procedures same as in Section 451.Appendix A(k).
		l) CERTIFICATE AND REGISTRATION CARD HOLDER	Not required for Type II.
		m) CERTIFICATION LABEL	
g) BATTERY CABLES	Same as Section 451.Appendix A(g).	1) Federal	Inspect federal label with a chassis (incomplete vehicle) manufactured after November 10, 1978. Inspection procedures are same as in Section 451.Appendix A(m)(2) for federal label.
h) BATTERY CARRIER	Same as Section 451.Appendix A(h).	2) State	Type II buses are exempt from State certification labels.
i) BRAKES	Same as Section 451.Appendix A(i).	n) DEFROSTERS	Defrosting equipment shall keep the windshield and the window to the left of the operator and the glass in the service door clear of fog, frost and snow, using heat from heaters and circulation from fans. Must conform to federal standard 49 CFR 571.103. (Auxiliary fans are not considered to be a defrosting and defogging system.) Reject procedures same as in Section 451.Appendix A(n).
1) Backing Plate	Same as Section 451.Appendix A(i)(1)	o) DRIVE SHAFT GUARD	Same as Section 451.Appendix A(o).
2) Drums/ Discs	Same as Section 451.Appendix A(i)(2).	p) ELECTRICAL SYSTEM	Circuits arranged to manufacturer's specifications are acceptable. An additional circuit shall be added for the alternate flashing signal lamps and the stop signal lamps. Circuits may be added as necessary. Reject procedures same as in Section 451.Appendix A(p)(1).
3) Emergency/ Parking Brake	Same as Section 451.Appendix A(i)(3)	1) Circuits	
4) Emergency Brake Ratchet	Same as Section 451.Appendix A(i)(4).		
5) Pedal Clearance	Same as Section 451.Appendix A(i)(5).		
6) Power Systems	Same as Section 451.Appendix A(i)(6).		
7) Service Brakes	Same as Section 451.Appendix A(i)(7).		

vibration, etc. cause the door to become locked and be inoperable from the inside or outside.
Exception: On a bus with chassis (incomplete vehicle) manufactured in March 1977 or earlier, the engine starting system may operate while the emergency door is locked. The "Not Stop engine" requirement applies to every bus. 1974 or earlier, the "Not Fully Latched" alarm is optional. The "Door Locked" alarm is required on each bus with a lockable emergency door.
Reject procedures same as in Section 451. Appendix A(q)(4).

Door shall be located to right of operator and operated by an over-center control. Upper portions of door shall be safety glass or equivalent. Exposed edges must be banded.
Each door on the right side of the vehicle, hinged or sliding, except the service door shall be made permanently inoperable by means other than the rub rail on the outside of the body.
Reject procedures same as in Section 451. Appendix A(r)(1).

A service door lock is not required but if any type of service door locking system is installed on the bus, the system shall conform to one of the following:

- 1) The locking system shall not be capable of preventing the seated driver from easily and quickly opening the service door.
- 2) The locking system shall include an audiovisual alarm. The alarm shall emit sound and light (or other visual indication) that demand attention and will alert the seated driver when the engine is running and the service door is locked. An alarm disconnect, "squelch control," or other alarm defeating or weakening device shall not be installed.

Exception: On a bus manufactured in October 1978 or earlier, option #1 above is exempt from driver being seated. That is, the driver may move from driver's seat to interior of service entrance to release the door.

SUBJECT

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PROCEDURES/SPECIFICATIONS

- 2) Fuses Same as Section 451. Appendix A(p)(2).
- 3) Switches Same as Section 451. Appendix A(p)(3).
- 4) Wiring Same as Section 451. Appendix A(p)(4).

q) EMERGENCY EXITS

- 1) Left Side Same as Section 451. Appendix A(q)(1).

- 2) Rear Shall open outward with a 120 degree minimum swing. Upper portion of each door shall contain fixed safety glazing. Shall be equipped with an alarm. Shall be equipped with fastening device which can be quickly released from inside and outside the body. The outside fastening device must be non-hitchable. Shall be protected against accidental operation and must be easily accessible from the inside. Must be operated only by moving handle as shown by arrow and without use of remote control, power device, key, tool, or any attached or unattached object other than the release handle. 49 CFR 571.217
Exception: On a bus manufactured in August 1974 or earlier, the emergency exit shall be in the center of the rear end, exempt from 120 degree swing and may open either vertically or horizontally.
Reject procedures same as in Section 451. Appendix A(q)(2).

- 3) Emergency Window Alarms and Locks

- Same as Section 451. Appendix A(q)(3).

- Audible and visible alarms shall alert driver when the engine is running and any emergency door either:
- 1) Is not fully latched, or
 - 2) Is locked and not readily operated manually.
- Also, the engine starting system shall not operate while any emergency door is locked by any means that prevents ready manual operation without using a tool, key, or combination.
An alarm cut-off or "squelch" control is prohibited.
On a van conversion, any rear cargo door inside lock(s) of the type installed by the chassis manufacturer (such as commonly used in cars - "push/pull" type) shall be made inoperable. The mechanism cannot, through jarring,

r) ENTRANCE DOOR

- 1) Physical Requirements

Door shall be located to right of operator and operated by an over-center control. Upper portions of door shall be safety glass or equivalent. Exposed edges must be banded.
Each door on the right side of the vehicle, hinged or sliding, except the service door shall be made permanently inoperable by means other than the rub rail on the outside of the body.
Reject procedures same as in Section 451. Appendix A(r)(1).

- 2) Locks and Alarms

A service door lock is not required but if any type of service door locking system is installed on the bus, the system shall conform to one of the following:

- 1) The locking system shall not be capable of preventing the seated driver from easily and quickly opening the service door.
- 2) The locking system shall include an audiovisual alarm. The alarm shall emit sound and light (or other visual indication) that demand attention and will alert the seated driver when the engine is running and the service door is locked. An alarm disconnect, "squelch control," or other alarm defeating or weakening device shall not be installed.

Exception: On a bus manufactured in October 1978 or earlier, option #1 above is exempt from driver being seated. That is, the driver may move from driver's seat to interior of service entrance to release the door.

SUBJECT	PROCEDURES/SPECIFICATIONS
s) EXHAUST SYSTEM	Reject procedures same as in Section 451. Appendix A(r)(2). Exhaust pipe, muffler, and tail pipe shall meet manufacturer's standards and shall be outside the bus body and attached to chassis. Tail pipe shall not extend beyond rear bumper. Size of tail pipe shall not be reduced after it leaves muffler. The tail pipe shall exit the exhaust gases either to the right or left side behind the rear wheel well, or at the rear bumper. Exhaust system shall be insulated by metal shield when it is 12 inches or less from fuel tank or tank connections. No part of exhaust system shall pass within 12 inches of any flexible brake line or hose unless shielded. Reject procedures same as Section 451. Appendix A(s).
t) FENDERS	Same as Section 451. Appendix A(t).
u) FILTER, OIL	Same as Section 451. Appendix A(u).
v) FIRE EXTINGUISHER	Same as Section 451. Appendix A(v).
w) FIRST AID KIT	Same as Section 451. Appendix A(w) with following exception: Type II First Aid Kits are required to have one package when two packages are required in Type I kits.
x) FLOORS AND FLOOR COVERINGS	A plywood of 5/8 inches exterior BB grade or equivalent material shall be applied over the existing steel floor and securely fastened. Covering in underseat area shall be of fire resistant floor covering of type commonly used in passenger transportation equipment and shall have a minimum thickness of .125 inches. The floor covering in the aisle shall be nonskid, wear resistant, fire resistant and rib type. The aisle floor covering shall have a minimum thickness of .140 inches. All floor coverings must be permanently bonded to the floor and must not crack when subjected to sudden changes in temperature. Bonding or adhesive material shall be waterproof. All seams must be sealed with waterproof sealer. All openings in floorboard or fire wall between chassis and passenger carrying compartment must be solid and sealed. Boots and seals around shift levers and emergency brakes

SUBJECT	PROCEDURES/SPECIFICATIONS
y) FRAME AND BODY	must be secure and solidly attached. Reject procedures same as in Section 451. Appendix A(x).
z) FUEL STORAGE AND DELIVERY SYSTEM	Same as Section 451. Appendix A(y).
1) Fuel Filler Cap	Same as Section 451. Appendix A(z)(1).
2) Fuel Lines	Same as Section 451. Appendix A(z)(2).
3) Fuel Filler Tube	Same as Section 451. Appendix A(z)(3).
4) Fuel Pump	Same as Section 451. Appendix A(z)(4).
5) Fuel Tank(s)	Minimum capacity of 24 gallons, mounted, filled, and vented entirely outside body. Must meet manufacturer's specifications, 49 CFR 571.301 Reject procedures same as in Section 451. Appendix A(z)(5).
6) Fuel Tank Mount(s)	Same as Section 451. Appendix A(z)(6).
7) Fuel Tank Straps	Same as Section 451. Appendix A(z)(7).
8) Propane Relief Valve/Piping	Same as Section 451. Appendix A(z)(8).
aa) GRAB HANDLES	
1) Exterior	Not required.
2) Interior	Shall be of stainless clad steel, installed inside

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doorway, solidly attached on left side, and as long as practicable.
Reject procedures same as in Section 451.Appendix A(aa)(2).

Must be capable of maintaining inside temperature of 50 degrees. The heater hoses shall be adequately supported to guard against excessive wear due to vibration and shall not interfere with or restrict the operation of any engine function. Any hose in the passenger compartment shall be adequately protected to prevent injury from burns in the event of rupture. Primary heater shall be a high output fresh air type.

The secondary heater may be a recirculating type and located so as not to interfere with aisle space.
Reject procedures same as in Section 451.Appendix A(bb).

Same as Section 451.Appendix A(cc).

Dual electric horns shall be provided giving an audible warning at a distance of 200 feet and shall be conveniently controlled from the operator's seated position.
Reject procedures same as in Section 451.Appendix A(dd).

ee) INSTRUMENTS
AND INSTRUMENT
PANEL

Same as Section 451.Appendix A(ee).

ff) INSULATION

Same as Section 451.Appendix A(ff).

gg) LETTERING

1) Exterior

Same as Section 451.Appendix A(gg)(1).

A) Front

Same as Section 451.Appendix A(gg)(1)(A) with following exception:
Exception: All buses purchased prior to September 1974, may have roof mounted "SCHOOL BUS" sign with flashing red lights.

B) Left

Same as Section 451.Appendix A(gg)(1)(B).

C) Rear

Same as Section 451.Appendix A(gg)(1)(C) with following exception:
In case of "push" or "pull" type of release mechanism where the direction of movement to open emergency exit cannot be shown by one arrow, either three or four straight arrows

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shall be placed equally spaced as practicable around the object to be pushed or pulled, with the head of each arrow adjacent to and pointing directly at that object. Each arrow shall be the same color and, when practicable, the same size as though it were a single arrow. In addition, the pertinent word "PUSH" or "PULL" shall be displayed near that object.

AGENCY NOTE: If adequate space is not available in required positions for emergency door lettering, lettering may be immediately below window level.

Owner's name and number of school district must be at least four inches high, approximately centered and as high as practicable below the window line.
(Section 12-802 of the Illinois Vehicle Equipment Law)

The following lettering must be at least two inches high:
1) The word "CAPACITY," or the abbreviation "CAP," and the rated passenger capacity followed by the word "PASSENGERS," or the abbreviation "PASS," shall be displayed on the outside of the body near the rear edge of the service entrance.
2) Empty weight in pounds shall be shown on bus.
(Section 12-802 of the Illinois Vehicle Equipment Law)

3) "EMERGENCY EXIT" shall be on or immediately below emergency window (if installed). Manufacturer's identification name, emblem, or number(s) may be displayed but not on service door glazing. Manufacturer's name, emblem, etc. must not interfere with required lettering. Decals are permissible. All lettering must be black. Reject procedures same as in Section 451.Appendix A(gg)(1)(D).

2) Interior

A) Front

Same as Section 451.Appendix A(gg)(2)(A).

B) Left

Same as Section 451.Appendix A(gg)(2)(B).

C) Rear

"EMERGENCY DOOR" in letters at least two inches high directly over emergency door exit. "Emergency door operating instructions" applied to door. Arrow or arrows required unless "push or pull" type of release mechanism is used.

In the case of a "push" or "pull" type of release mechanism where the direction of movement to open the emergency exit

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cannot be shown by one arrow, either three or four straight arrows shall be placed as equally spaced as practicable around the object to be pushed or pulled, with the head of each arrow adjacent to and pointing directly at that object. Each arrow shall be the same color and, when practicable, the same size as though it were a single arrow. In addition, the pertinent word "PUSH" or "PULL" shall be displayed near that object.

Reject procedures same as in Section 451.Appendix A(gg)(2)(C).

D) Right Same as section 451.Appendix A(gg)(2)(D).

hh) LIGHTS

1) Back Up Same as Section 451.Appendix A(hh)(1).

2) Clearance, Front Same as Section 451.Appendix A(hh)(2) with following exception:
Buses less than 80 inches wide or 20 feet long are exempt.
(Section 12-202(a) of the Illinois Vehicle Equipment Law)

3) Clearance, Rear Same as Section 451.Appendix A(hh)(3) with following exception:
Buses less than 80 inches wide or 20 feet long are exempt.
(Section 12-202(a) of the Illinois Vehicle Equipment Law)

4) Cluster, Front Same as Section 451.Appendix A(hh)(4) with following exception:
Buses less than 80 inches wide or 20 feet long are exempt.
(Section 12-202(a) of the Illinois Vehicle Equipment Law)

5) Cluster, Rear Same as Section 451.Appendix A(hh)(5) with following exception:
Buses less than 80 inches wide or 20 feet long are exempt.
(Section 12-202(a) of the Illinois Vehicle Equipment Law)

6) Flashing Same as Section 451.Appendix A(hh)(6).

7) Headlights Same as Section 451.Appendix A(hh)(7).

8) Interior Same as Section 451.Appendix A(hh)(8).

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9) License Plate

Same as Section 451.Appendix A(hh)(9).

10) Marker, Left

Same as Section 451.Appendix A(hh)(10).
Exception: A bus manufactured in August 1974 or earlier is exempt.

Buses less than 80 inches wide or 20 feet long are exempt.
(Section 12-202(a) of the Illinois Vehicle Equipment Law)

11) Marker, Right

Same as Section 451.Appendix A(hh)(11) with following exception:
Exception: A bus manufactured in August 1974 or earlier is exempt.

Buses less than 80 inches wide or 20 feet long are exempt.
(Section 12-202(a) of the Illinois Vehicle Equipment Law)

12) Parking Same as Section 451.Appendix A(hh)(12).

13) Step Well Same as Section 451.Appendix A(hh)(13).

14) Stop Same as Section 451.Appendix A(hh)(14).

15) Strobe (optional) Same as Section 451.Appendix A(hh)(15).

16) Tail Same as Section 451.Appendix A(hh)(16).

17) Turn Signal, Left (armored)

Same as Section 451.Appendix A(hh)(17) with following exemptions:
1) Shall be located behind driver's seat.
2) Buses with capacity rating of less than 33 passengers are exempt. Buses manufactured in August 1974 or earlier are exempt. Buses that measure less than 80 inches wide or 20 feet long are exempt.

18) Turn Signal, Right (armored)

Same as Section 451.Appendix A(hh)(18) with following exceptions:

Exceptions: Buses with capacity rating of less than 33 passengers are exempt. Buses manufactured in August 1974

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19) Turn Signal, Front	or earlier are exempt. Buses that measure less than 80 inches wide or 20 feet long are exempt.	C) Left Side Safety	that, either alone or in combination with the flat driving mirror, will afford any seated driver a reflected view of the roadway along the right side of the bus from at least the forwardmost surface of the right front tire to at least the rearward surface of the rear bumper. The projected reflecting area of this convex mirror shall be no less than 40 square inches.
	One amber or white lens on each side, at or near the front, at the same height and as far apart as practicable. Must meet federal standard 49 CFR 571.108.		Reject procedures same as in Section 451.Appendix A(jj)(1)(B).
	Reject procedure same as Section 451.Appendix A(hh)(19).		
20) Turn Signal, Rear	One red or amber lens on each side at the same height and as far apart as practicable below window. Must meet federal standard 49 CFR 571.108.	D) Cross Over	An adjustable convex mirror may be installed on the left side that, either alone or in combination with the flat driving mirror, will afford any seated driver a reflected view of the roadway along the left side of the bus from at least the rear edge of the driver's seat in its most forward position to at least the rearward surface of the rear bumper. The projected reflecting area of this convex mirror shall be no less than 30 square inches.
	Reject procedure same as Section 451.Appendix A(hh)(20).		Reject procedures same as in Section 451.Appendix A(jj)(1)(C).
ii) LOCKED COMPARTMENT	Same as Section 451.Appendix A(ii).	2) Interior	All buses purchased during and after September 1974 must have a clear view safety glass, metal backed and framed with rounded corners and edges which shall be padded. Shall afford a good view of the interior and roadway to the rear.
	Same as Section 451.Appendix A(jj).		All buses purchased prior to September 1974 must have a rear view mirror.
			Reject procedures same as in Section 451.Appendix A(jj)(2).
jj) MIRRORS	Two firmly mounted, adjustable, exterior rear view mirrors located to the left and to the right of the driver. Rectangular five inch x ten inch minimum. The outside mirror mounts shall include a side angle adjustable convex mirror (no less than three inches in diameter) to provide an additional close-in field of vision located so as not to reduce the visual field of the flat surface mirror below 50 square inches. 49 CFR 571.111	kk) PAINT REQUIREMENTS	The exterior of the body, excluding required rub rail and lettering, shall be painted a uniform color: National School Bus Glossy Yellow. Required rub rail and lettering must be black. Additional rub rails may either be black or
	Exceptions: Buses purchased prior to September 1974 may have the three inch "stick on" type convex mirrors, provided they do not reduce the visual field of the mirror below 50 square inches.		
	Reject procedures same as in Section 451.Appendix A(jj)(1)(A).		
B) Right Side Safety	Optional Mirrors - Unless otherwise specified by the purchaser, the following may be installed on the right, left or both sides of the bus in lieu of or in addition to the corresponding convex mirror(s) required.		
	An outside convex mirror may be installed on the right side		

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yellow. The front and rear bumpers and wheels may be black or manufacturer's color. Grilles and hub caps may be a bright finish (chrome, anodized aluminum, etc.). (Section 12-801 of the Illinois Vehicle Equipment Law)
 Optional: Black area around flashing lights is permitted. Black area must not interfere with "SCHOOL BUS" lettering. Reject procedures same as in Section 451.Appendix A(kk).

11) PROJECTIONS

- 1) Exterior
 Entire rear of bus must be nonhitchable.
 Exceptions: A bus manufactured in October 1978 or earlier is exempt from nonhitchable bumpers. A bus manufactured in August 1974 or earlier is exempt from nonhitchable projections. Every school bus, however, must have a nonhitchable door handle.
 Reject procedures same as in Section 451.Appendix A(ll)(1).
- 2) Interior
 Same as Section 451.Appendix A(ll)(2) with following exception:
 All buses purchased prior to September 1974 are exempt from padding on interior projections.

mm) REFLECTORS

- 1) Front
 Same as Section 451.Appendix A (mm)(1) with following exception:
 Buses less than 80 inches wide or 20 feet long are exempt. (Section 12-202(b) of the Illinois Vehicle Equipment Law)
- 2) Left Side
 Same as Section 451.Appendix A(mm)(2).
- 3) Right Side
 Same as Section 451.Appendix A(mm)(3).
- 4) Rear
 Same as Section 451.Appendix A(mm)(4) with following exception:
 Buses less than 80 inches wide or 20 feet long are exempt. (Section 12-202(b) of the Illinois Vehicle Equipment Law)

nn) RUB RAILS

There shall be one rub rail located approximately at seat level which shall extend from the rear of the entrance door on both sides to a point of curvature at the rear of the body. Rub rails shall be constructed of 16-gauge longitudinally corrugated or ribbed steel, ventilated four inches minimum width, and securely fastened to the body by bolts, rivets, or welding.

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Exception: Rub rails are not required on Type II service and driver's entrance doors; however, if installed, they must meet same requirements as above.
 Reject procedures same as in Section 451.Appendix A(nn).

oo) SEAT BELTS

A seat belt shall be installed for the driver (Section 12-807 of the Illinois Vehicle Equipment Law). Seat belts shall be installed for each pupil as required by 49 CFR 571.222. At all times, each seat belt shall be readily available for quick and easy use. All retractors installed shall be automatic locking type. Each belt assembly shall be clean. Belt material, buckle, tongue, etc., of each driver's belt shall remain above floor when not in use.
 Exception: On a bus with incomplete vehicle (chassis) manufactured in March 1977 or earlier, pupil belts are not required.

Exception: On a bus manufactured in August 1974 or earlier, driver's belts, etc., need not remain above floor. Reject procedures same as in Section 451.Appendix A(oo).

pp) SEAT, DRIVER'S

The driver's seat shall be rigidly positioned and have a forward and backward adjustment without the use of tools or other nonattached devices.
 Seat padding and covering shall be in good condition (i.e., free from holes and tears). Seat cushions shall be securely fastened to the seat frame.
 Reject procedures same as in Section 451.Appendix A(pp).

qq) SEAT, PASSENGER

For buses purchased after September 1974 all seats shall have a minimum depth of 14 inches and a minimum back rest height of 20 inches with a 13 inch allowable average hip room in determining seating capacity. All seats shall be forward facing and securely fastened to part or parts of bus which support them. No bus shall be equipped with jump seats or portable seats. The center-to-center spacing shall be no more than 24 inches. Padding and covering shall be of fire resistant material. Minimum 36 inch headroom for sitting position above top of undeepressed cushion line on all seats (measured vertically not more than seven inches from side wall at cushion height and at front and rear center of cushion). Backs of all seats of similar size shall be of the same width at top and the same height from floor and shall slant at the same angle with the floor. The top and side rails and seat backs shall be padded to cushion level. Seat padding and covering shall

be in good condition (i.e., free from holes and tears).
Seat cushions shall be securely fastened to the seat frame.
49 CFR 571.222
All buses purchased prior to September 1974 and after January 1, 1972, shall have a seating plan for 16 pupils consisting of four rows of 30 inch forward facing seats with a minimum 12 inch aisle down the center. No jump or portable seats allowed. No seat or other object placed in the bus which restricts passageway to emergency door to less than 12 inches.
Those vehicles used as a school bus by school districts and private contractors prior to January 1, 1972, and are still in their possession that had previously passed a school bus safety inspection can still be utilized if they continue to meet the inspection requirements that were in effect at that time. These vehicles will not have to be brought up to the above standards.
Reject procedures same as Section 451.Appendix A(qq).

rr) STERLING SYSTEM
1) Exterior
A) King Pins
B) Link-age
C) Power Steering
D) Toe-In/Out
E) Wheel Bearings
2) Interior
A) Column
B) Lash
C) Shaft
D) Steering Wheel
E) Travel

Same as Section 451.Appendix A(rr)(1)(A).
Same as Section 451.Appendix A(rr)(1)(B).
Same as Section 451.Appendix A(rr)(1)(C).
Same as Section 451.Appendix A(rr)(1)(D).
Same as Section 451.Appendix A(rr)(1)(E).

Column Same as Section 451.Appendix A(rr)(2)(A).
Lash Same as Section 451.Appendix A(rr)(2)(B).
Shaft Same as Section 451.Appendix A(rr)(2)(C).
Steering Wheel Same as Section 451.Appendix A(rr)(2)(D).
Travel Same as Section 451.Appendix A(rr)(2)(E).

The first service entrance step shall be no more than 13 1/2 inches off the ground. If necessary, a step of

ss) STEPS

tt) STOP ARM PANEL
uu) STORAGE COMPARTMENT (optional)
vv) SUN VISOR
ww) SUSPENSION
1) Shocks
2) Springs
A) Coil
B) Leaf
C) Torsion (Stabilizer Bar)

xx) TOW HOOKS (optional)
yy) UNDERCOATING

Same as Section 451.Appendix A(tt).
Same as Section 451.Appendix A(uu).
Shall be interior, adjustable and not less than five inches by 16 inches. Must be installed above windshield. Not required to be transparent, but must not interfere with view of interior rear view mirror.
Reject procedures same as in Section 451.Appendix A(vv).

Equipped with front and rear heavy-duty, double acting shock absorbers.
Reject procedures same as in Section 451.Appendix A(ww)(1).

Same as Section 451.Appendix A(ww)(2)(A).
Same as Section 451.Appendix A(ww)(2)(B).

Fire resistant undercoating material applied by spray.
Entire underside of body, front fenders, floor members and side panels below floor level must be covered.

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Section 451. APPENDIX C Inspection Procedures/Specifications for Type I Special Education School Buses

SUBJECT

PROCEDURES/SPECIFICATIONS

REJECT VEHICLE IF

a) GENERAL REQUIREMENTS

Generally, a school bus used for transporting children declared eligible for Special Education services shall comply with the applicable minimum standards for either a Type I school bus (GVWR more than 10,000 lbs.) or a Type II school bus (GVWR 10,000 lbs. or less). However, due to the nature of certain handicapping conditions, vehicles utilized for special education transportation shall be adapted to the specific needs of the children receiving this service. These needs may require modification of the minimum standards.

The interior design of these vehicles will not be a cause for rejection provided an approval, issued by the Department of Transportation, is presented to the Certified Safety Tester at the time of inspection.

b) RESTRAINING OR SAFETY DEVICES

In buses manufactured prior to November 10, 1978, restraining devices or safety belts may be used if they are securely fastened to the seat or the floor of the vehicle.

In buses manufactured on and after November 10, 1978, each handicapped passenger's seat must be equipped with restraining or safety devices.

Restraining devices or seat belts are not securely fastened or are missing when required.

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after November 10, 1978, each handicapped passenger's seat must be equipped with restraining or safety devices.

c) SPECIAL SERVICE DOOR

A special door opening may be located on right side of bus far enough to rear to prevent door, when open, from obstructing front right service door. Door opening shall be adequate to accommodate wheel chairs. Door shall be equipped with device that will actuate audible or visible signal, located in driver's compartment, when doors are not securely closed.

Each door shall contain a fixed or movable window aligned with and of same size (as nearly as practicable) as other windows on right side of bus.

Each door panel shall open outward and a positive fastening device shall be installed to hold door in open position.

Door panels shall be constructed to be equivalent in strength and materials to other school bus doors.

Door posts and headers shall be reinforced sufficiently to provide support and strength equivalent to area of side of bus not used for service doors. Outriggers from chassis shall be installed at front and rear of door openings to support

Does not operate properly. Does not meet requirements. Audible or visible alarm does not work or is missing.

PROCEDURES/SPECIFICATIONS		REJECT VEHICLE IF
<p>floor with same strength as other floor portions.</p> <p>Door shall be made of two panels of approximately equal width. They shall be hinged to side of bus each panel shall open outward.</p> <p>Forward panel shall be provided with overlapping flange to close space where door panels meet and weather seal shall be provided to close all door edges.</p> <p>Door shall be equipped with at least one-point fastening device on rear panel to floor or header and at least two-point fastening device to floor and header on forward door panel, both manually operated.</p> <p>Sliding doors are acceptable provided they meet manufacturer's specifications.</p>		<p>Does not operate properly.</p> <p>Does not meet requirements.</p> <p>Door does not seal properly.</p> <p>Weather seal is cracked or missing.</p>
<p>1) POWER LIFT</p> <p>If power lift is used, it shall be of sufficient capacity and dimension to lift maximum imposed load, lift at top and bottom travel limits shall provide easy entrance and exit from the lift.</p> <p>If electricity is used, the</p>		<p>Does not operate properly.</p> <p>Does not meet requirements.</p>
<p>e) LIFTS AND RAMPS</p> <p>Floor of ramp or lift shall be covered with nonskid material.</p> <p>Protection against dust and water sufficient to ensure reliable operation must be present.</p>		<p>Does not operate properly.</p> <p>Does not meet requirements.</p>
<p>2) RAMP</p> <p>Ramp shall be of sufficient strength and rigidity to support the imposed load.</p> <p>Shall be equipped with protective flange on each longitudinal side to keep wheelchair on ramp.</p> <p>Ramp shall be equipped with handle, or handles, and be of sufficient weight to permit one person to put ramp in place and return to storage place.</p> <p>Ramp shall be connected to bus at floor level in such manner as to permit easy access of wheelchair to floor of bus.</p> <p>Ramp length shall be sufficient for easy entry and exit.</p>		<p>Does not operate properly.</p> <p>Does not meet requirements.</p>

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SUBJECT PROCEDURES/SPECIFICATIONS REJECT VEHICLE IF

- f) FASTENING DEVICES Positive fastening devices shall be provided and attached to the floor, walls, or both, that will securely hold wheelchair in position in bus. Does not securely hold wheelchair to floor position. Does not meet requirements.
- g) SPECIAL LIGHT Light shall be placed inside bus over special service door opening, or at other location if shielded to prevent glare. The lamp shall illuminate the floor inside the opening and shall be operated from door area. Does not operate properly. Does not meet requirements. Missing.
- h) GRAB HANDLES Grab handles shall be provided on each side of front right service door only when this door is used for entry and exit of children. Not securely attached. Does not meet requirements. Missing.
- i) OVER CENTER DOOR CONTROL Over center door control shall be provided only when this door is used for entry and exit of children. If installed, does not operate properly. Does not meet requirements. Missing when required.

SUBJECT PROCEDURES/SPECIFICATIONS

- a) GENERAL REQUIREMENTS Same as in Section 451. Appendix C(a)
- b) RESTRAINING OR SAFETY DEVICES In buses manufactured on and after April 1, 1977, restraining devices or seat belts are mandatory on all seats. In buses manufactured prior to April 1, 1977, restraining devices or seat belts are optional. If restraining devices or safety belts are furnished, they must be securely fastened to the seat or the floor of the vehicle. Reject procedures same as in Section 451. Appendix C(b).
- c) SPECIAL SERVICE DOOR Same as Section 451. Appendix C(c).
- d) BI-PARTING DOORS Same as Section 451. Appendix C(d).
- e) LIFTS AND RAMPS Same as Section 451. Appendix C(e).
- f) FASTENING DEVICES Same as Section 451. Appendix C(f).
- g) SPECIAL LIGHT Same as Section 451. Appendix C(g).
- h) GRAB HANDLES Same as Section 451. Appendix C(h).
- i) OVER CENTER DOOR CONTROL Same as Section 451. Appendix C(i).

Section 451. APPENDIX D Inspection Procedures/Specifications for Type II Special Education School Buses

Section 451. APPENDIX E Driver's Pre-Trip Inspection Requirements
As required in Section 13-115 of the Illinois Vehicle Inspection Law, drivers must complete the following "Pre-trip Inspection" daily:

"Each day that a school bus is operated the driver shall conduct a pre-trip inspection of the mechanical and safety equipment on the bus as prescribed by rule or regulation of the Department." (Section 13-115 of the Illinois Vehicle Inspection Law)
The following requirements became effective August 1, 1975:

- a) The driver must inspect his vehicle each day prior to beginning a trip.
- b) The driver is required to make a written report of this pre-trip inspection. He must report any defects found to the proper authority so that the defects can be corrected.
- c) The pre-trip inspection report shall be made in duplicate.
- d) As designated by the owner, the original copy shall be presented to the person of authority on a daily basis. These original copies shall be retained by the owner for one hundred and eighty days.
- e) The duplicate copy shall remain in the bus for a period of at least thirty days.
- f) The form shall specify items to be checked (see subsection (i)) and the minimum information to be recorded.
- g) The pre-trip inspection records and reports will be made available for inspection and audit by authorized representatives of the Department at any time.
- h) It is the responsibility of the bus owner to furnish pre-trip inspection report forms that meet the minimum requirements of this Section.
- i) Required items to be checked during the driver's Pre-Trip Inspection:
 - 1) Coolant; oil; battery; washer fluid levels; fan belts; and wiring.
 - 2) Steps; cleanliness; upholstery; windows; warning devices; fuses; first aid kit; fire extinguisher; emergency door (open and close); lettering.
 - 3) Odometer reading and indication of whether or not state inspection is due.
 - 4) Steering wheel; windshield wipers and washers; heater and defroster; horn; service door (open and close); all mirrors (adjustment); door buzzer; clutch; brake warning buzzer; stop arm control; gear shift lever; neutral safety switch; waste temperature; fuel; vacuum or air pressure; gauges; parking brake; seat belt(s).
 - 5) Ammeter; all interior lights; headlights (high/low beams).
 - 6) Right front wheel and tire; right side marker lamps; turn signal light and reflectors; right rear view and safety mirror; headlights; turn signals; cluster; clearance; and I.D. lights; alternating flashing lights; windshield; underside of chassis; crossover mirror; left rear view mirror and safety mirror; left front wheel and tire; driver's side window; stop arm; left side marker lamps; turn signal light and

reflectors; emergency door (open and close); left rear wheels and tires; exhaust system (tailpipe clear); cluster; clearance and I.D. lights; taillights; turn signals and reflectors; alternating flashing lights; rear emergency door (open and close); right rear wheels and tires; fuel tank filler caps;
7) Drain air brake tank. Record condition of bus (i.e., satisfactory or unsatisfactory).

Section 451.APPENDIX F Authorized Inspection Equipment

CLASS "A," "C," APPLICABLE "B1," "B2," "D" and "I" LANES

Brake Tester	Ammco Tools, Inc.	900 Flush Type
Brake Tester	Bear Mfg. Co.	4505 Surface Type
Brake Tester	Bear Mfg. Co.	4506 Flush Type
Brake Tester	Bear Mfg. Co.	4510 Surface Type
Brake Tester	Weaver Mfg. Co.	WY-40SA Surface Type
Brake Tester	Weaver Mfg. Co.	WY-70SA Flush Type
Brake Tester	Weaver Mfg. Co.	WY-75 Flush Type
Brake Tester	Weaver Mfg. Co.	WY-85 Flush Type
Brake Tester	Weaver Mfg. Co.	WY-400 Surface Type
Combination Brake Tester-	Weaver Mfg. Co.	WY-76 Flush Type
Wheel Alignment Tester	Weaver Mfg. Co.	WY-86 Flush Type
Wheel Alignment Tester	Alomite Division	3132 Surface Type
Wheel Alignment Tester	Ammco Tools, Inc.	8725 Surface Type
Wheel Alignment Tester	Bear Mfg. Co.	230 Surface Type
Wheel Alignment Tester	Bear Mfg. Co.	231 Flush Type
Wheel Alignment Tester	Weaver Mfg. Co.	WJ-23 Surface Type
Wheel Alignment Tester	Weaver Mfg. Co.	WJ-27 Flush Type
Wheel Alignment Tester	Weaver Mfg. Co.	WJ-132A Surface Type
Wheel Alignment Tester	Weaver Mfg. Co.	WJ-133A Flush Type
Wheel Alignment Tester	Weaver Mfg. Co.	WJ-130A Surface Type
Wheel Alignment Tester	Weaver Mfg. Co.	WJ-131 Flush Type
Wheel Alignment Tester	Weaver Mfg. Co.	WJ-132 Surface Type
Wheel Alignment Tester	Weaver Mfg. Co.	WJ-133 Flush Type
Lifting Equipment	Any Jack, Lift or Hoist having a lifting capacity of 19,000 pounds or more and capable of lifting the heaviest type of vehicle to height adequate for proper "front end" inspection.	
CLASS "B" and APPLICABLE "D" AND "I" LANES		
Brake Tester	Ammco Tools, Inc.	800 Flush Type
Brake Tester	Bear Mfg. Co.	450 Surface Type
Brake Tester	Bear Mfg. Co.	451 Flush Type
Brake Tester	Bear Mfg. Co.	450W Surface Type
Brake Tester	Weaver Mfg. Co.	WY-30 Surface Type
Brake Tester	Weaver Mfg. Co.	WY-60 Flush Type
* Combination Brake Tester-		
Wheel Alignment Tester	Weaver Mfg. Co.	WY-25 Surface Type
Wheel Alignment Tester	Ammco Tools, Inc.	8725 Surface Type
Wheel Alignment Tester	Bear Mfg. Co.	240 Surface Type
Wheel Alignment Tester	Bear Mfg. Co.	241 Flush Type
Wheel Alignment Tester	Bear Mfg. Co.	250 Surface Type
Wheel Alignment Tester	John Bean Div.	
Wheel Alignment Tester	(FMC Corp.)	146 Surface Type

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Wheel Alignment Tester	John Bean Div.	149 Surface Type
Wheel Alignment Tester	(FMC Corp.)	WJ-22 Surface Type
Wheel Alignment Tester	Weaver Mfg. Co.	WJ-25 Flush Type
Wheel Alignment Tester	Weaver Mfg. Co.	
* This piece of equipment is acceptable only if it remains in the possession of the owner as of July 1, 1973, or if it is sold to a new owner but remains in the same facility.		
Lifting Equipment	Any Jack, Lift or Hoist having a lifting capacity of 5,000 pounds or more and capable of lifting the heaviest vehicle to be inspected to a height adequate for proper "front end" inspection.	
ALL LANES - CLASS "A," "B," "C," "B1," "B2," "D" AND "I"		
Headlight Tester	Alomite Div.	3150 Portable Type
Headlight Tester	(Stewart-Warner Corp.)	
Headlight Tester	Alomite Div.	
Headlight Tester	(Stewart-Warner Corp.)	3151 Track Type
Headlight Tester	Bear Mfg. Co.	560 Portable Type
Headlight Tester	Bear Mfg. Co.	561 Track Type
Headlight Tester	Bear Mfg. Co.	565 Track Type
Headlight Tester	Hunter Eng. Co.	25-33-2 Portable Type
Headlight Tester	Hunter Eng. Co.	25-34-2 Track Type
Headlight Tester	Hunter Eng. Co.	25-35-2 Portable Type
Headlight Tester	Hunter Eng. Co.	25-36-2 Track Type
Headlight Tester	John Bean Div.	
Headlight Tester	(FMC Corp.)	270 Portable Type
Headlight Tester	John Bean Div.	
Headlight Tester	(FMC Corp.)	271 Track Type
Headlight Tester	John Bean Div.	
Headlight Tester	(FMC Corp.)	272 Portable Type
Headlight Tester	John Bean Div.	
Headlight Tester	(FMC Corp.)	273 Track Type
Headlight Tester	Weaver Mfg. Co.	WX-45 Portable Type
Headlight Tester	Weaver Mfg. Co.	WX-46 Track Type
Headlight Tester	Weaver Mfg. Co.	WX-50 Portable Type
Headlight Tester	Weaver Mfg. Co.	WX-51 Track Type

The foregoing list of approved equipment supersedes all previous approved equipment lists issued before March 1, 1973.

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED RULES

Section 451. APPENDIX G Illinois Minimum Standards for School Bus - Van Type Conversion 1-16 Passengers Purchased Prior to September 1974

- a) The service door shall be located to the right of the operator and may be manually controlled from the operator's seat by an over center control.
- b) The emergency doors shall be located in the center of the rear end or on the right-hand side of the school bus. The door shall be equipped with fastening devices for opening from the inside and the outside body, which may be quickly released, but is designed to offer protection against accidental release.
- c) No seat or other object shall be placed in the bus which restricts passageway to the emergency door to less than twelve inches.
- d) The minimum clearance of all aisles, including between the seats and leading to the emergency door shall be twelve inches.
- e) The ceiling and walls shall be insulated with fireproof material to deaden sound and reduce vibration to a minimum.
- f) The interior of the school bus shall be free of all unnecessary projections likely to cause injury. This inner lining on ceilings and walls shall be fiberboard or metal.
- g) All glass in the windshield, windows, and doors shall be of approved safety glass. All exposed edges of glass shall be banded. The glass in the windshield shall be heat-absorbent laminated plate.
- h) 123 inch wheelbase.
- i) G.V.W.R. 7600 pounds.
- j) 3300 lbs. front axle.
- k) 5050 lbs. rear axle.
- l) 1475 lbs. front springs.
- m) 2200 lbs. rear springs.
- n) 8:00 x 16.5, 8 ply rating tires.
- o) 8 hole disc 16.5" x 6.00".
- p) High output primary heater.
- q) Rear heater recirculating type.
- r) Two moveable glass vents or windows. One located on the right side and one on the left side of the driver's areas. These are optional.
- s) 240 cu. in. minimum engine.
- t) 55 amp alternator.
- u) 70 amp battery.
- v) Two 5" x 10" (minimum) outside rear view mirrors (West Coast Type), and two 3" convex mirrors (buses purchased prior to September, 1974, may have the 3" "stick on type" type convex mirrors, provided they do not reduce the visual field of the mirror below 50 square inches.)
- w) Inside rear view mirror.
- x) A convex crossover mirror 7 1/2" in diameter, mounted on left front to give the seated driver a view of the roadway immediately in front of the front bumper.
- y) Seating plan must allow 13 inches of seating space for each of 16 or fewer passengers, exclusive of the driver. All seats must face

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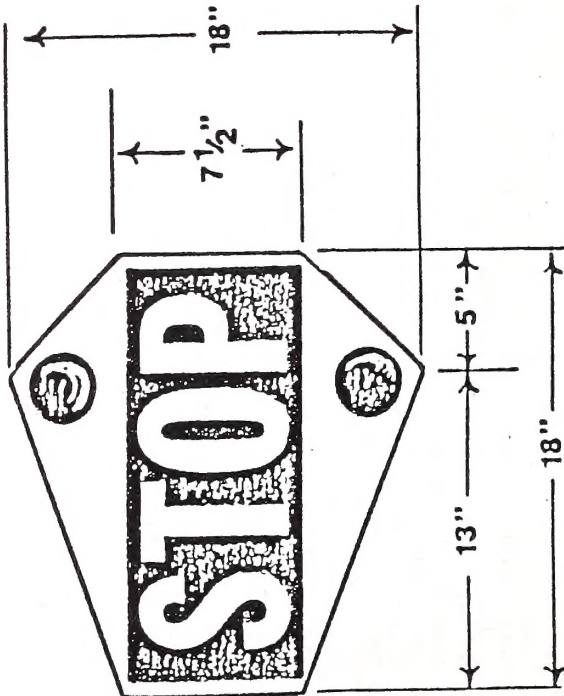
- forward with a minimum of 12" aisle down the center or down the right side. No jump or portable seats allowed.
- z) Manually or mechanically operated "Stop" signal arm. Hexagon shaped semaphore mandatory on all vehicles purchased after December 31, 1975.
 - aa) One rub rail applied to each side operator's door and service door. Rub rail may be omitted on operator's door if "Stop" signal arm is mounted on it.
 - bb) Floor must be covered with a non-skid type material.
 - cc) Roof mounted "School Bus" sign with flashing lights, acceptable until December 31, 1976. An eight light system is then mandatory.
 - dd) Color of bus shall be National School Bus Chrome Yellow.
 - ee) All required lettering shall be in black. Emergency door lettering shall be two inches. Bus Number, School Name, District or Contractor's name on both sides of vehicle shall be four inches. School Bus shall be eight inches.
 - ff) Vehicles may not be altered or converted to carry more than 16 passengers.

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Section 451.ILLUSTRATION A Stop Arm Panel

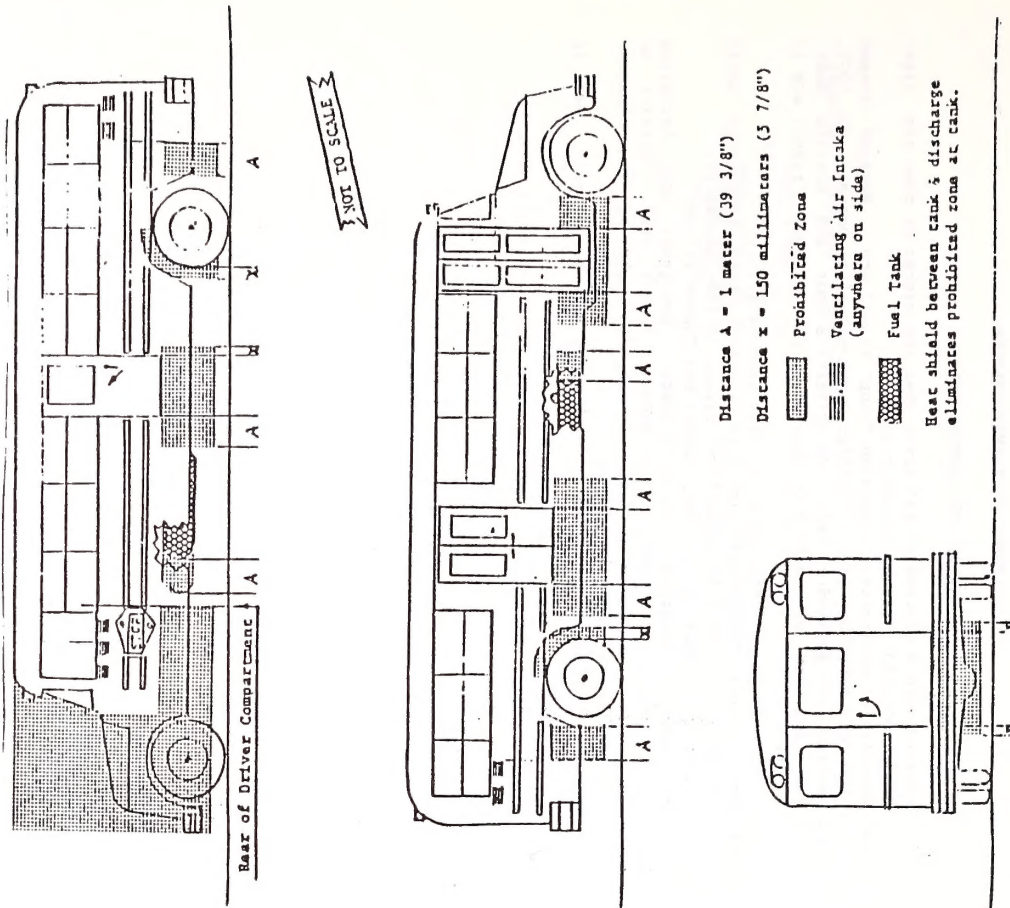
Hexagon—
This arm must be 16-gauge metal, and a hexagon shaped
semaphore approximately 18 inches wide and 18 inches
long.



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NOTICE OF ADOPTED RULES

Section 451.ILLUSTRATION B Exhaust Guidelines



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NOTICE OF ADOPTED AMENDMENT

- 1) Heading of Part: Vending Machines in Rest Areas
- 2) Code Citation: 92 Ill. Adm. Code 534
- 3) Section Numbers:
534.210
Adopted Action:
Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 121, par. 9-113.1
- 5) Effective date of rules: November 29, 1989
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) Date filed in agency's principal office: November 22, 1989
- 9) Notice of proposal published in Illinois Register:
September 1, 1989, 13 Ill. Reg. 13822
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences between proposal and final version:

The following change was made in response to comments and suggestions of the Joint Committee on Administrative Rules:

The word "(newsracks)" was inserted after the word "facilities" in the last line of Section 534.210(a)(9).

In addition, various typographical, grammatical and form changes were made in response to comments from the Administrative Code Division as follows:

In Section 534.210(a)(5), the two U.S.C. statutory references and citations have been revised to indicate the abbreviated name of the Act, followed by the U.S.C. citation in parentheses. Also, the proper section heading of the CFR citation has been inserted immediately before the CFR citation.

In Section 534.210(a)(10), line 3, the word "Illinois" has been inserted at the beginning of the Part being referenced.

Subsection 534.210(a)(11)(D) has been re-worded as follows to reflect the proper citation of a specific Section of the IDORS rule:

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"The Vendor or Private Contractor shall comply with all laws and regulations regarding licensing by public health departments and other agencies responsible for the regulation of the vending business as explained by the Department of Rehabilitation Services at 89 Ill. Adm. Code 650.1000 (Business Practices)."

Subsection 534.210(a)(11)(H) has been re-worded as follows to reflect the proper citation of a specific Section of the IDORS rule:

"The Vendor or Private Contractor shall provide that personnel assigned to service vending machines wear work uniforms which have been approved by both IDOT and IDORS as explained by the Department of Rehabilitation Services at 89 Ill. Adm. Code 650.1000 (Business Practices) at the rest area sites."

Section 534.210(b) has been re-worded as follow to reflect the proper citation of the CDB rule:

"The IDOT shall, in cooperation with IDORS, provide for the design, construction, and maintenance of vending machine facilities with full consideration and accommodation for the handicapped (23 CFR 752.5(a) (1987)) in accordance with the rules of the Capital Development Board at 71 Ill. Adm. Code 400 (Illinois Accessibility Code). No later editions or amendments are incorporated."

A period at the end of the Section source note has been deleted.

- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by the JCAR?

The Department has made all the changes to which it agreed with the Joint Committee.

- 13) Will this rule replace an Emergency Rule currently in effect? No

- 14) Are there any amendments pending on this Part? No

- 15) Summary and purpose of rules:

This rulemaking allows for the dispensing of newspapers in separate facilities (newsracks) in safety rest areas constructed or located on rights-of-way of non-toll fully access controlled State highways.

At the request of USA TODAY, the Department, in cooperation with the Illinois Department of Rehabilitation Services, has agreed to permit newspapers to be dispensed in newsracks in interstate highway rest areas. This amendment allows for such dispensing.

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16) Information and questions regarding these adopted rules shall be directed to:

Mr. James W. Shay
Engineer of Maintenance
Department of Transportation
Division of Highways
2300 South Dirksen Parkway
Springfield, Illinois 62764
(217) 782-2984

The full text of the Adopted Amendment begins on the next page:

DEPARTMENT OF TRANSPORTATION
NOTICE OF ADOPTED AMENDMENTTITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER f: HIGHWAYSPART 534
VENDING MACHINES IN REST AREAS

SUBPART A: PLACEMENT OF VENDING MACHINES IN REST AREAS

Section
534.10 Purpose
534.20 Definitions
534.30 Responsibilities

SUBPART B: APPLICATION

Section
534.110 Application

SUBPART C: ADMINISTRATION

Section
534.210 IDOT-IDORS Responsibilities

AUTHORITY: Implementing and authorized by Section 9-113.1 of the Illinois Highway Code (Ill. Rev. Stat. 1987, ch. 121, par. 9-113.1).

SOURCE: Adopted at 12 Ill. Reg. 12884, effective July 21, 1988; amended at 13 Ill. Reg. 1866, effective January 27, 1989; amended at 13 Ill. Reg. 10963, effective June 27, 1989; amended at 13 Ill. Reg. 19745, effective November 29, 1989.

NOTE: Capitalization denotes statutory language.

SUBPART C: ADMINISTRATION

Section 534.210 IDOT-IDORS Responsibilities

THE IDOT HAS THE RESPONSIBILITY TO REGULATE THE PLACEMENT AND OPERATION OF VENDING MACHINES IN SAFETY REST AREAS CONSTRUCTED OR LOCATED ON RIGHTS-OF-WAY OF NON-TOLL FULLY ACCESS CONTROLLED STATE HIGHWAYS (Section 9-113.1(b) of the Act).

- a) The IDOT shall allow for the installation of vending facilities through contracts between the IDORS and the IDOT. All such contracts shall be in writing and shall ensure retention by the IDOT of full responsibility for and control over all activities

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within the rest area. At a minimum, the contract with IDORS shall provide:

1) THE IDORS SHALL ASSIGN LICENSED BLIND VENDORS TO OPERATE VENDING MACHINES IN ALL SAFETY REST AREAS CONSTRUCTED OR LOCATED ON RIGHTS-OF-WAY OF NON-TOLL, FULLY ACCESS CONTROLLED STATE HIGHWAYS (Section 9-113.1(b) of the Act).

2) IF, AFTER NOTIFICATION TO ALL LICENSED BLIND VENDORS OF THE AVAILABILITY OF A PARTICULAR SITE, NONE IS INTERESTED IN OPERATING THAT SITE, THE IDORS MAY CONTRACT FOR THE OPERATION OF THAT SITE BY A PRIVATE CONTRACTOR. ANY INCOME, AFTER DEDUCTION FOR COST OF ITEMS, LABOR AND A NEGOTIATED PERCENTAGE OF PROFIT, SHALL ACCRUE TO THE IDORS FOR THE EXCLUSIVE BENEFIT OF THE VENDING FACILITIES FOR THE BLIND PROGRAM OR OTHER PROGRAMS OF REHABILITATION AND TRAINING FOR THE BLIND ADMINISTERED BY THE IDORS (Section 9-113.1(b) of the Act).

3) THE IDORS SHALL, EVERY THREE (3) YEARS, NOTIFY LICENSED BLIND VENDORS OF THE AVAILABILITY OF SUCH CONTRACTUALLY OPERATED SITES AND MAKE THEM AVAILABLE TO INTERESTED BLIND VENDORS (Section 9-113.1(b) of the Act).

4) The IDORS shall submit an annual report to the IDOT detailing gross vending sales, profits, number of persons involved in all aspects of servicing and operating the approved vending machines.

5) To the extent that federal funds are involved, all written contracts between the IDORS and any Vendor or Private Contractor shall include nondiscrimination provisions in accordance with the State assurance with regard to the Civil Rights Act of 1964 (42 U.S.C. 2000d-5), ~~(Civil Rights Act of 1964)~~ Landscaping and Roadside Development (23 CFR 752.8(c)(6)), and the ~~Rehabilitation Act of 1978 (29 U.S.C. 794)~~ (Rehabilitation Act).

6) THE IDOT SHALL NOT REQUIRE THE VENDING MACHINE OPERATORS TO PERFORM ANY SERVICES OTHER THAN THOSE RELATED TO SERVICING AND OPERATING THE APPROVED VENDING MACHINES (Section 9-113.1(c) of the Act).

7) The IDOT shall determine the location, type, and appearance of vending machine facilities to be located in rest areas. The contract with IDORS shall provide:

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NOTICE OF ADOPTED AMENDMENT

A) The IDORS shall locate and install vending equipment and appurtenances only in vending machine facilities.

B) The IDORS shall provide money changers which are in good working order at each vending facility for use by rest area patrons.

8) The IDOT shall provide for the installation and maintenance of water lines and electrical connections to the vending facilities.

9) Vending items to be dispensed shall be limited to hot and cold nonalcoholic beverages, candy, gum, snacks, cigarettes, sandwiches, soups, and sundry items. Sundry items include non-food items that can be dispensed by machines such as newspapers, fingernail clippers, pencils and tissues. No petroleum products or vehicle replacement parts shall be dispensed by any means at safety rest areas (23 CFR 752.5(b) (1987)). No later amendments or editions are incorporated. All beverages shall be dispensed in cans except for hot coffee, tea, chocolate, soups, milk, and fruit juices. No glass containers shall be dispensed. Newspapers shall be dispensed in separate facilities (newsracks).

10) The IDOT shall provide advance highway signing, to be located on existing rest area informational signs, in conformance with the IDOT's Illinois Manual on Uniform Traffic Control Devices (92 Ill. Adm. Code 546). The IDOT shall provide signs at shelters identifying the Illinois Department of Rehabilitation Services as the agency providing vending machines.

11) All Vendors or Private Contractors selected by the IDORS for the operation of vending facilities at safety rest areas pursuant to the provisions of Section 9-113.1 of the Act shall conform with the requirements specified in this Section, and IDORS will include with its agreement with the Vendor or Private Contractors the following:

A) The Vendor or Private Contractor shall pay for all metered utilities used for vending facilities located at rest areas under the provisions of Section 9-113.1 of the Act.

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- G) The Vendor or Private Contractor shall assume all responsibility for liability resulting from the operation and maintenance of vending machines.
- H) The Vendor or Private Contractor shall provide that personnel assigned to service vending machines wear work uniforms which have been approved by both IDOT and IDORS as explained ~~in~~ by the Department of Rehabilitation Services ~~rules entitled "Vending-Standard-Program for the Blind"~~ at 89 Ill. Adm. Code 650.1000 (Business Practices) at the rest area sites.
- I) Whenever complaints having to do with the quality of service or goods, the activities of Vendor or Private Contractor employees, or return of lost monies, are made to IDOT or IDORS from vending customers at a vending site and the complaints exceed one per day, the Vendor or Private Contractor shall make improvements in vending operations to reduce complaints to below the occurrence of one per day.
- b) The IDOT shall, in cooperation with IDORS, provide for the design, construction, and maintenance of vending machine facilities with full consideration and accommodation for the handicapped (23 CFR 752.5(a) (1987)) in accordance with the rules of the Capital Development Board ~~entitled "Illinois Accessibility Code"~~ at 71 Ill. Adm. Code 400 (Illinois Accessibility Code). No later editions or amendments are incorporated.

(Source: Amended at 13 Ill. Reg. 19745 , effective 11/29/89)

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- B) The Vendor or Private Contractor shall be responsible for the operation, maintenance, and security of vending machines located at rest areas.
- C) The Vendor or Private Contractor shall service vending facilities to ensure, except for conditions resulting from acts of God such as tornadoes, flooding, earthquakes, etc., that those services are available to rest area patrons 24 hours per day, every day, all year.
- D) The Vendor or Private Contractor shall comply with all laws and regulations regarding licensing ~~from~~ by public health departments and other agencies responsible for the regulation of the vending business as explained ~~in~~ by the Department of Rehabilitation Services ~~rules entitled "Vending-Standard-Program-for-the-Blind"~~ at 489 Ill. Adm. Code 650.1000 (Business Practices).
- E) The Vendor or Private Contractor shall provide an effective method for the return of lost monies to patrons through one of the following procedures:
- i) Refunds made directly to the customer by the Vendor or the Vendor's employee.
- ii) Refunds made through the use of refund request cards which can be mailed by the customer to an address specified by IDORS. The cards will identify the vending machine that did not operate properly, the date, time, and type of problem. IDORS will determine whether the refund request is valid and will handle the refund.
- F) The Vendor or Private Contractor shall provide the IDOT with the name and telephone number of the person who should be contacted for response when problems with the vending operations arise during time periods when no Vendor or Private Contractor personnel are present at a rest area.

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

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NOTICE OF EMERGENCY RULES

NOTICE OF EMERGENCY RULES

1) The Heading of the Part: Technology Advancement and Development Act Programs

2) Code Citation: 14 Ill. Adm. Code 545

3) Section Numbers: Emergency Action:

545.10 New Section
545.20 New Section
545.30 New Section
545.40 New Section
545.50 New Section
545.60 New Section
545.70 New Section
545.110 New Section
545.120 New Section
545.130 New Section
545.140 New Section
545.150 New Section
545.160 New Section
545.170 New Section
545.180 New Section
545.190 New Section
545.195 New Section
545.210 New Section
545.215 New Section
545.220 New Section
545.225 New Section
545.230 New Section
545.235 New Section
545.240 New Section
545.245 New Section
545.250 New Section
545.255 New Section
545.260 New Section
545.265 New Section
545.270 New Section
545.275 New Section
545.280 New Section
545.285 New Section
545.290 New Section
545.310 New Section
545.315 New Section
545.320 New Section
545.325 New Section
545.330 New Section
545.335 New Section
545.340 New Section
545.345 New Section
545.350 New Section

545.355 New Section
545.360 New Section
545.365 New Section
545.410 New Section
545.420 New Section
545.430 New Section
545.440 New Section
545.450 New Section
545.460 New Section
545.470 New Section
545.480 New Section
545.490 New Section
545.495 New Section

4) Statutory Authority: Implementing and authorized by the Technology Advancement and Development Act (P.A. 86-870, effective September 8, 1989).

5) Effective Date of Rules: December 1, 1989

6) If these emergency rules are to expire before the end of the 150-day period, please specify the date on which it is to expire: Not applicable.

7) Date filed in Agency's Principal Office: December 1, 1989.

8) Reason for Emergency:

The Technology Advancement and Development Act (Act), P.A. 86-870, effective September 8, 1989, gives the department the authority to administer five new programs: the Technology Challenge Grant Program, the Technology Venture Investment Program, the Business Modernization Retooling Loan Program, the Business Modernization Assessment Grant Program, and the Development Corporation Program.

The department's policies governing the administration of these programs must be implemented in rules immediately to enable eligible applicants to proceed in preparing applications for submission to the department for funding under one of the programs listed above.

As stated in the Act, "It is the purpose of this Act to identify, develop, and commercialize technology which will permit Illinois firms to successfully compete in today's world markets, and to authorize State and local governments to promote systematically, within the provision of this Act, those private sector and nonprofit research institution efforts that will continue to insure Illinois' economic vitality and competitiveness."

High unemployment is one of the gravest problems this country faces

NOTICE OF EMERGENCY RULES

today. Economic development projects which stimulate job creation/retention will improve the welfare of more Illinois citizens by allowing them to attain or maintain employment.

- 9) A Complete Description of the Subjects and Issues Involved: The Technology Advancement and Development Act (Act) took effect September 8, 1989. This rulemaking serves to implement five new programs which the Act authorizes: the Technology Challenge Grant Program (Subpart A), the Technology Venture Investment Program (Subpart B), the Business Modernization Retooling Loan Program (Subpart C), the Business Modernization Assessment Grant Program (Subpart D), and the Development Corporation Program (Subpart E). All Subparts provide a purpose and definitions section and specify provisions governing eligibility of applicants; application requirements, process, and review; and administrative requirements. Each Subpart contains additional provisions unique to its program. Subpart B includes a Section on allowable leverage. Subpart C specifies loan provisions governing agreements, terms, security, termination, default, and maintenance and insurance of property. This Subpart also addresses waivers, leverage, and audits. Subpart D has separate Sections dealing with the modification, suspension, and termination of a grant as well as project reporting. Subpart E includes Sections on audits; modification, suspension and termination of financial assistance; and relending.

- 10) Are there any proposed amendments to this Part pending? No.
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act (Ill. Rev. Stat. 1987, ch. 85, par. 2203).
- 12) Information and questions regarding these rules shall be directed to:

Mr. Dennis R. Whetstone, Deputy Director
Department of Commerce and Community Affairs
Bureau of Program Administration
620 East Adams Street, 5th Floor
Springfield, Illinois 62701
(217) 782-6136

The full text of the emergency rules begins on the next page:

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

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TITLE 14: COMMERCE
SUBTITLE C: ECONOMIC DEVELOPMENT
CHAPTER I: DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

TECHNOLOGY ADVANCEMENT AND DEVELOPMENT ACT PROGRAMS
PART 545

SUBPART A: TECHNOLOGY CHALLENGE GRANT PROGRAM

Section	Purpose of Program
545.10	Definitions
EMERGENCY	Program Responsibilities
545.20	Eligible Applicants
EMERGENCY	Application Process
545.30	Review of Applications
EMERGENCY	Program Administration Requirements
545.40	
EMERGENCY	
545.50	
EMERGENCY	
545.60	
EMERGENCY	
545.70	
EMERGENCY	

SUBPART B: TECHNOLOGY VENTURE INVESTMENT PROGRAM

Section	Purpose
545.110	Definitions
EMERGENCY	Application Cycle
545.120	Application Review
EMERGENCY	Application Documentation
545.130	Application Evaluation
EMERGENCY	Funding
545.140	Selection for Funding
EMERGENCY	Allowable Leverage
545.150	Administrative Requirements
EMERGENCY	
545.160	
EMERGENCY	
545.170	
EMERGENCY	
545.180	
EMERGENCY	
545.190	
EMERGENCY	
545.195	
EMERGENCY	

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NOTICE OF EMERGENCY RULES

SUBPART C: BUSINESS MODERNIZATION RETOOLING LOAN PROGRAM

Section	Purpose
545.210 EMERGENCY	Definitions
545.215 EMERGENCY	Eligible Businesses
545.220 EMERGENCY	Eligible Uses of Loan Funds
545.225 EMERGENCY	Application Documentation
545.230 EMERGENCY	Application Evaluation
545.235 EMERGENCY	Selection for Funding
545.240 EMERGENCY	Funding Waivers
545.245 EMERGENCY	Allowable Leverage
545.250 EMERGENCY	Loan Agreement
545.255 EMERGENCY	Loan Terms
545.260 EMERGENCY	Loan Security
545.265 EMERGENCY	Maintenance and Insurance of Property
545.270 EMERGENCY	Administrative Requirements
545.275 EMERGENCY	Audits
545.280 EMERGENCY	Termination of Loan
545.285 EMERGENCY	Events of Default
545.290 EMERGENCY	

SUBPART D: BUSINESS MODERNIZATION ASSESSMENT GRANT PROGRAM

Section	Program Purpose and Mission
545.310 EMERGENCY	Definitions
545.315 EMERGENCY	Eligible Grant Categories
545.320 EMERGENCY	Eligible Businesses
545.325 EMERGENCY	

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF EMERGENCY RULES

545.330 EMERGENCY	Application Requirements
545.335 EMERGENCY	Application Process
545.340 EMERGENCY	Applicant Evaluation Standards
545.345 EMERGENCY	Selection Criteria
545.350 EMERGENCY	Grant Limitations
545.355 EMERGENCY	Administrative Standards for Grant Recipients
545.360 EMERGENCY	Project Reporting
545.365 EMERGENCY	Modification, Suspension and Termination of Grant

SUBPART E: DEVELOPMENT CORPORATION PROGRAM

Section	Program Purpose
545.410 EMERGENCY	Definitions
545.420 EMERGENCY	Applications
545.430 EMERGENCY	Application Review Process
545.440 EMERGENCY	Financial Assistance
545.450 EMERGENCY	Administrative Standards
545.460 EMERGENCY	Financial Assistance Standards
545.470 EMERGENCY	Audits
545.480 EMERGENCY	Modification, Suspension and Termination of Financial Assistance
545.490 EMERGENCY	General Terms Governing Relending
545.495 EMERGENCY	

AUTHORITY: Implementing and authorized by the Technology Advancement and Development Act (P.A. 86-870, effective September 8, 1989).

SOURCE: Emergency rules adopted at 13 Ill. Reg. 19753, effective December 1, 1989, for a maximum of 150 days.

NOTE: Capitalization denotes statutory language.

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF EMERGENCY RULES

SUBPART A: TECHNOLOGY CHALLENGE GRANT PROGRAM

Section 545.10 Purpose of Program
EMERGENCY

a) General Purposes

- 1) TO INCREASE THE LEVEL OF INVESTMENT IN RESEARCH AND DEVELOPMENT UTILIZING INDUSTRY, STATE AND LOCAL GOVERNMENT, AND LABOR AND ACADEMIA TO CREATE STATEWIDE PROGRAMS FOSTERING AN IMPROVED ENVIRONMENT FOR PRODUCTIVITY AND TECHNOLOGICAL COMPETITIVENESS.
- 2) TO UTILIZE ILLINOIS' PRESENT RESOURCES IN MANY DEVELOPING AREAS INCLUDING HEALTH CARE AND BIOMEDICAL RESEARCH, INFORMATION AND TELECOMMUNICATIONS, COMPUTING AND ELECTRONIC EQUIPMENT, MANUFACTURING TECHNOLOGIES AND MATERIALS RESEARCH, TRANSPORTATION AND AEROSPACE, GEOSCIENCE, FINANCIAL AND SERVICE INDUSTRIES, AND AGRICULTURE AND BIOTECHNOLOGY.
- 3) TO IDENTIFY, DEVELOP AND COMMERCIALIZE TECHNOLOGY WHICH WILL PERMIT ILLINOIS FIRMS TO SUCCESSFULLY COMPETE IN TODAY'S WORLD MARKETS, AND
- 4) TO PROMOTE SYSTEMATICALLY, THOSE PRIVATE SECTOR AND NONPROFIT RESEARCH INSTITUTION EFFORTS THAT WILL CONTINUE TO INSURE ILLINOIS' ECONOMIC VITALITY AND COMPETITIVENESS (Section 1002 of the Act).

b) Grant Purposes

- 1) TO RESPOND TO UNIQUE, ADVANCED TECHNOLOGY PROJECTS FOR WHICH NO OTHER SOURCE OF FUNDING IS AVAILABLE AND WHICH FOSTER THE DEVELOPMENT OF ILLINOIS' ECONOMY THROUGH THE ADVANCEMENT OF THE STATE'S SCIENTIFIC AND TECHNOLOGICAL ASSETS.
- 2) TO RECOGNIZE TECHNOLOGY PROGRAMS OF EXEMPLARY AND OUTSTANDING RESEARCH IN THE FIELD OF SCIENCE AND TECHNOLOGY WHICH WILL BE OF BENEFIT TO ILLINOIS INDUSTRIES INCLUDING BUT NOT LIMITED TO HEALTH CARE AND BIOMEDICAL RESEARCH COMPUTING AND ELECTRONIC EQUIPMENT, MANUFACTURING TECHNOLOGIES AND MATERIALS RESEARCH, TRANSPORTATION AND AEROSPACE, GEOSCIENCE, FINANCIAL AND SERVICE INDUSTRIES, AGRICULTURE AND BIOTECHNOLOGY.
- 3) TO ASSIST ELIGIBLE APPLICANTS IN THE STATE APPLY FOR, OR QUALIFY FOR AND LEVERAGE, FEDERAL FUNDS AWARDED FOR

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NOTICE OF EMERGENCY RULES

ADVANCED TECHNOLOGY PROJECTS CONCERNING RESEARCH AND DEVELOPMENT, BUSINESS INNOVATION RESEARCH OR TECHNICAL DEVELOPMENT, OR THE TRANSFER OF USEFUL TECHNOLOGY TO THE PRIVATE SECTOR.

- 4) TO FUND TECHNOLOGY PARTNERSHIPS, TECHNOLOGY CONSORTIUMS OR RESEARCH CENTERS THAT ARE, OR WILL BE, ESTABLISHED TO PERFORM RESEARCH AND DEVELOPMENT IN PRESENT AND EMERGING TECHNOLOGIES THAT CAN BE DEVELOPED FOR USE BY COMMERCE AND INDUSTRY.
- 5) GRANTS AWARDED PURSUANT TO THIS SUBPART MAY BE USED TO HELP SUBSIDIZE EXPENSES, AS APPROVED BY THE DEPARTMENT, FOR CAPITAL IMPROVEMENTS, EQUIPMENT, CONTRACTUAL SERVICES, COMMODITIES, PERSONNEL, SUPPORT COSTS, INCLUDING TELECOMMUNICATION, ELECTRONIC DATA AND COMMODITIES, OR OTHER COSTS (Section 2002 of the Act).

Section 545.20 Definitions
EMERGENCY

"Act" - The Technology Advancement and Development Act (P.A. 86-870, effective September 8, 1989).

"ADVANCED TECHNOLOGY PROJECT" - ANY AREA OF BASIC OR APPLIED RESEARCH OR DEVELOPMENT WHICH IS DESIGNED TO FOSTER GREATER KNOWLEDGE OR UNDERSTANDING, OR WHICH IS DESIGNED FOR THE PURPOSES OF IMPROVING, DESIGNING, DEVELOPING, PROTOTYPING, PRODUCING OR COMMERCIALIZING NEW PRODUCTS, TECHNIQUES, PROCESSES OR TECHNICAL DEVICES IN PRESENT OR EMERGING FIELDS INCLUDING BUT NOT LIMITED TO HEALTH CARE AND BIOMEDICAL RESEARCH, INFORMATION AND COMMUNICATION SYSTEMS, COMPUTING AND COMPUTER SERVICES, ELECTRONICS, MANUFACTURING, ROBOTICS AND MATERIALS RESEARCH TRANSPORTATION AND AEROSPACE, AGRICULTURE AND BIOTECHNOLOGY, AND FINANCE AND SERVICES (Section 1003(a) of the Act).

"Application" - A request for program funds including the required statistical and narrative information and attachments.

"Associated Private Sector Coalition" - The Illinois Coalition. The Illinois Coalition is a private, not-for-profit corporation formed to advance the scientific and technological strength of Illinois by increasing publicly and privately supported research and development, and to improve the economic prospects of Illinois and the region.

"Coalition" - The Illinois Coalition.

"Committee" - The Governor's Science Advisory Committee.

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"Department" - The Illinois Department of Commerce and Community Affairs.

"Director" - The Director of the Illinois Department of Commerce and Community Affairs.

"Grant" - Funds provided from the Department through the Technology Challenge Grant Program.

"Grant Award" - Contractual agreement between the Department and grantee, which includes the scope of work to be provided, the budget, and all terms and conditions of the contract.

"Grantee" - Any eligible applicant receiving funds under this program.

"Nonexpendable Personal Property" - Tangible personal property having a useful life of more than one year and an acquisition cost of \$300 or more per unit.

"Program" - The Technology Challenge Grant Program.

"Program Income" - Earnings by the recipient realized from grant supported activities.

"Project" - An activity or activities funded under this program.

Section 545.30 Program Responsibilities
EMERGENCY

a) The Department shall establish and administer a Technology Challenge Grant Program as provided under the provisions of the Act. The Department, in addition to those powers granted under Section 46.60 of the Civil Administrative Code of Illinois, (Ill. Rev. Stat. 1987, ch. 127, par. 46.60, as added by P.A. 86-870, effective September 8, 1989) is granted the powers specified in Section 1004 of the Act.

b) Governor's Science Advisory Committee

1) The Department and the Illinois Department of Energy and Natural Resources are hereby authorized to cooperate with and provide support to the Governor's Science Advisory Committee and the Coalition. Such support may include but not be limited to the provision of office space and may be technical, advisory or operational in nature.

2) The Committee shall be comprised of distinguished scientists and engineers selected by the Science and

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Technology Advisor to the Governor. The position and duties of Science and Technology Advisor to the Governor are described in Executive Order 89-2.

3) The Committee shall review and evaluate all applications for grants from the Technology Challenge Grant Program. The Committee shall determine the scientific and technical merit of the proposal for which a grant is sought.

4) The Committee may seek evaluations from external reviewers and may form subcommittees, study groups, or task forces for purposes of conducting the review and evaluation. These review and evaluation tasks may be conducted jointly with the Coalition.

5) The Committee shall make a report of findings and recommendations for funding to the Director of the Department. The Committee may seek concurrence from the Coalition regarding the Committee's findings and recommendations.

6) The recommendations for funding made to the Director may include recommendations for multi-year commitments by the Department. All such recommendations shall be subject to availability of appropriations and all applicable law.

c) Associated Private Sector Coalition

1) A private sector coalition shall be formed in association with the Committee to advance the scientific and technological strength of Illinois by increasing publicly and privately supported research and development, and to improve the economic prospects of Illinois and the region. The associated private sector coalition shall be the Illinois Coalition.

2) In accordance with Section 46.60 of the Civil Administration Code of Illinois, the Department shall cooperate with the Coalition for the purpose of administering programs to identify, develop or commercialize technology or promote private sector efforts to identify, develop or commercialize technology.

3) The Coalition shall include representatives of Illinois businesses, both large and small, representatives of labor organizations, representatives of government, representatives of institutions of higher education research including federal laboratories located in Illinois.

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- 4) The Coalition shall review and evaluate all applications for a grant from the Technology Challenge Grant Program as presented to the Coalition by the Department. The Coalition shall determine the potential economic and commercial benefits of the proposed project to Illinois and the likelihood that the project for which assistance is sought will:
 - A) contribute to Illinois' scientific and technological development;
 - B) promote the private commercialization of new products and processes by and for Illinois businesses;
 - C) establish consortia for research and development in Illinois; or
 - D) increase Illinois' competitiveness for federal and private sector research and development funds.
- 5) The Coalition may seek evaluation of applications from external sources and may form subcommittees for the purposes of conducting the review and evaluation. The Coalition may seek concurrence from the Committee, regarding the Coalition's findings and recommendations.
- 6) The Coalition shall make a report of its findings and recommendations to the Director.

Section 545.40 Eligible Applicants
EMERGENCY

Eligible applicants shall include:

- a) universities, colleges, community colleges, nonprofit research foundations or laboratories, State research institutions, or
- b) technology partnerships or technology consortiums established by a formal joint project agreement between:
 - 1) two or more private industries, or
 - 2) any combination of one or more private industries with one or more universities, colleges, community colleges, nonprofit research laboratories, nonprofit research foundations, or State research institutions.

Section 545.50 Application Process
EMERGENCY

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- a) At least annually the Department shall issue a Request for Proposals (RFP) soliciting grant requests for the Technology Challenge Grant Program. The RFP shall include the deadline(s) for applications and a timeline for the applications' review and notification to the applicants.
- b) Applications to the Technology Challenge Grant Program shall be made in a format prescribed by the Department or on forms provided by the Department.
- c) The application shall contain concise responses to all of the following (P.A. 86-870 requires that the Department consider these items in determining grant awards):
 - 1) The relationship of a proposed advanced technology project to the State's future economic growth;
 - 2) The qualifications and expertise of consultants, firms or organizations undertaking the effort;
 - 3) The potential for leveraging federal or private research dollars, or both for the initiative;
 - 4) The extent of the capacity of the applicant or the applicant partnership or consortium to finance the initiative;
 - 5) The potential for adapting, commercializing or adopting the results of the applicant's project for the economic benefit of the State;
 - 6) The likelihood that the project has a potential for creating new jobs or retaining current jobs in the State.
- d) All applications shall include a budget page(s) detailing the proposed use of Technology Challenge grant funds and the relationship of that requested funding to all other funds to be applied to the project.

Section 545.60 Review of Applications
EMERGENCY

- a) The Department shall receive all applications to the Technology Challenge Grant Program. The Department shall conduct an initial screening of all applications to determine the completeness of the application.
- 1) Applications found to be incomplete shall be returned to the applicant with notice of the deficiency. Applications

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which are returned may be resubmitted. However resubmitted applications may not be considered for funding in that review cycle.

- 2) Applications determined by the Department to be substantially complete shall be forwarded within 10 working days to the Committee and the Coalition for their respective or joint review, evaluation and determination of merit.

- b) The Department shall evaluate complete grant applications based upon criteria provided under the Act.

- 1) In determining which grant applicants shall be awarded a Technology Challenge grant, the Department shall conduct an evaluation of prior compliance with grant agreements for any grant applicant previously funded by the Department.

- 2) The Department shall consider the following criteria in determining grant awards:

- A) the relationship of a proposed advanced technology project to the State's future economic growth;
 - B) the qualifications and expertise of consultants, firms or organizations undertaking the effort;
 - C) the potential for leveraging federal or private research dollars, or both, for the initiative;
 - D) the extent of the capacity of the applicant or the applicant partnership or consortium to finance the initiative;
 - E) the potential for adapting, commercializing or adopting the results of the applicant's project for the economic benefit of the State; and
 - F) the likelihood that the project has a potential for creating new jobs or retaining current jobs in the State.
- 3) The Department shall forward all applications to the Committee, and the Coalition for review and recommendations for funding. The Committee and the Coalition shall review and evaluate all applications reviewed by the Department and make a report of findings and recommendations to the Director.

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- 4) Upon receipt of the recommendations by the Committee and the Coalition, the Director shall consider those reports and the findings of the Department's evaluation. The Department shall not award any Technology Challenge grant that is not recommended for funding by the Committee or the Coalition. The Director shall determine the level of the grant award and shall determine the share of total directly attributable costs of an advanced technology project which may be considered for funding under this Subpart.

Section 545.70 Program Administration Requirements
EMERGENCY

- a) Record Retention and Review - Grantees will, as deemed necessary by the Department, permit the Department or its representatives to have full access to and the right to examine any pertinent documents, papers, and records of the recipient involving transactions related to a grant under this program. To the extent authorized by the Freedom of Information Act (Ill. Rev. Stat. 1987, ch. 116, pars. 201 et seq., as amended by P.A. 86-870, effective September 8, 1989), the Department will not make public any information disclosing program supported technical information if such disclosure would affect the commercialization potential of the project.

- b) Financial Management Standards - A grantee's financial management system shall be structured to provide for accurate, current, and complete disclosure of the expenditures under the grant program. The grantee is accountable for funds received under this grant and shall maintain effective control and accountability over all funds, equipment, property, and other assets under the grant. Grantee records shall be sufficient to permit the tracking of funds to a level of expenditure adequate to ensure that funds have not been spent unlawfully.

- c) Method of Compensation -

- 1) Payments pursuant to a grant are subject to the availability of funds appropriated by the General Assembly.
- 2) Payments to the grantee are subject to the initiation of an invoice voucher. The first payment for program initiation may be an advance for the first month's cash needs. Thereafter, the payments are dual purpose in that they will be sufficient to cover the expenditures to date as well as the cash needs of the recipient for the next period. Otherwise, payments may be made pursuant to the project budget and a schedule agreed to by the Department and the grantee.

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d) Audits - The grantee will conduct an audit of all appropriate program records as required by the Department, using an independent public accountant, certified and licensed by authority of the State of Illinois. The audit must be conducted in accordance with generally accepted auditing standards adopted by the American Institute of Certified Public Accountants (AICPA) and must be submitted to the Department within six months of the expiration of the grant. If the grantee is routinely audited by the Auditor General of the State of Illinois, the grant need not be audited separately by the grantee.

e) Suspension and Termination - If the grantee fails to comply with the terms and conditions of the Grant Award, the Department shall, after notice to the grantee, suspend the grant and withhold further payments or prohibit the grantee from incurring additional obligations of grant funds. The Grant may be terminated in the absence of full state funding; if the Department determines that the grantee has failed to comply with the terms and conditions of the Grant in whole, or in part; or if the Department and the grantee agree that the continuation of the program objectives would not produce beneficial results commensurate with the future expenditures of funds.

f) Nondiscrimination - The grantee shall refrain from unlawful discrimination in employment and undertake affirmative action to assure equality of employment opportunity and eliminate the effects of past discrimination in accordance with the Illinois Human Rights Act (Ill. Rev. Stat. 1987, ch. 68, pars. 1-101 et seq.).

g) Complaint Process - In the case of a grantee complaint, the Department will follow the procedures outlined in 47 Ill. Adm. Code 10 (Review and Appeal Procedures).

h) Patent and Technical Information - Grantee copyright and patent policies must provide for protection of technical information, identify ownership and control of patents, detail procedures for the sale of licensing of patents, and protect government use of patented and copyrighted items.

i) Publication, Promotion, and Marketing - Grantees shall provide copies of public information and promotional documents, such as program reports, annual reports, informational brochures, fact sheets, manuals, or other similar documents. In addition, all such documents and scientific research papers resulting from grant activities must include acknowledgement of the support of the State of Illinois, Department of Commerce and Community Affairs.

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j) Administrative Costs - There is a 15 percent ceiling on the amount of a Department grant which can be used for general indirect costs incurred. Grantees which want to recover indirect costs shall do so in accordance with an approved and recognized indirect cost plan. An approved indirect cost plan is one which has been approved by a grantee's relevant grantor agency or the Department.

k) Program Match - Each grantee shall be required to match Department funds, except as noted below.

1) Department funds shall account for no more than 50% of the project's costs. Match can include cash or in-kind contributions as well as indirect cost contributions exclusive of the 15% ceiling noted in subsection (j). Grant monies or other funds received from the federal government or from other public and private entities can be calculated as match, provided that such funds are directly related to the objectives of the project and are under the administrative control of the project director.

2) The Director may waive the match requirement upon recommendation of the Committee or the Coalition. Match may be waived when it is demonstrated that no other source of funds is known or available to support the project or that the project would not go forward without the waiver.

1) Interest on Grant Funds - In accordance with Section 10 of the Illinois Grant Funds Recovery Act (Ill. Rev. Stat. 1988 Supp., ch. 127, par. 2310), all interest earned on funds held by the recipient under this grant shall become part of the grant principal when earned unless the grant agreement provides otherwise. However, any interest earned on funds subject to a Department grant after the grant's expiration date shall become part of the grant principal and shall be so treated for all purposes.

m) Program Reports - Each grantee is required to report financial and programmatic data to the Department on a regular basis on forms prepared by the Department. Standard reports are as follows:

1) Expenditure Summary - The grantee shall maintain appropriate records of actual grant costs on expenditure summaries supplied by the Department. These expenditure summaries will identify line item costs charged to the grant and line item matching share supplied by the applicant or third parties. Expenditure Summaries are to be submitted to the Department by the 10th day following

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the end of each reporting period.

- 2) Program Report - Each grantee shall prepare a program report in the form designated by the Department. The program report shall include a narrative report on progress towards achieving objectives and activities, and economic impact of the program. Program reports shall be submitted to the Department by the 30th day following the end of each reporting period.

- n) Confidentiality of Trade Secrets and Commercial or Financial Information - Applications and other information obtained by the Department under the Technology Challenge Fund shall be administered pursuant to Section 7 of the Freedom of Information Act (Ill. Rev. Stat. 1987, ch. 116, par. 207, as amended by P.A. 86-870, effective September 8, 1989). Trade secrets and commercial or financial information obtained from a person or business where such trade secrets or information are proprietary, privileged or confidential, or where disclosure of such trade secrets or information may cause competitive harm including all information determined confidential under Section 4002 of the Act shall be exempt from inspection and duplication. Nothing in this subsection shall be construed to prevent a person or business from consenting to disclosure.

- o) Third Party Award Challenge - Applicants denied funds by the Department in accordance with the provisions of this Act shall not be construed to be conveyed with the right to challenge the awarding of funds by the Department to successful applicants, nor to challenge any other agreement executed in connection therewith.

SUBPART B: TECHNOLOGY VENTURE INVESTMENT PROGRAM

Section 545.110 Purpose
EMERGENCY

- a) Through the Technology Venture Investment Program (Program), the Department of Commerce and Community Affairs will provide capital for investing in young or growing Illinois businesses in cooperation with private investment companies, private investors, or conventional lending institutions. Projects supported by program funds will be with businesses seeking funding for any new process, technique, product or device commercially exploitable by Illinois businesses in fields such as health care and biomedical products, information and telecommunications, computing and electronic equipment, manufacturing technology, materials, transportation and aerospace, geoscience, financial and service industries, and agriculture and biotechnology. Program funds may

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be used for such costs including, but not limited to, research and development costs, amortizable organization costs, working capital, purchase or lease of machinery and/or equipment, and the acquisition and/or improvement or rehabilitation of land and buildings. The ultimate purpose of the program is to provide funding for advanced technology oriented businesses that is likely to increase job opportunities as a result of the investment.

- b) Any business operating in Illinois may submit a business plan requesting financial assistance under this Program.

Section 545.120 Definitions
EMERGENCY

"Advanced technology project" means any area of basic or applied research or development which is designed to foster greater knowledge or understanding, or which is designed for the purposes of improving, designing, developing, prototyping, producing or commercializing new products, techniques, processes or technical devices in present or emerging fields of health care and biomedical research, information and communication systems, computing and computer services, electronics, manufacturing, robotics and materials research transportation and aerospace, agriculture and biotechnology, and finance and services.

"Business expense" includes working capital financing, the purchase or lease of machinery and equipment, or the lease or purchase of real property, including construction, renovation or leasehold improvements, but does not include refinancing current debt.

"Business project" means any specific economic development activity of a commercial, industrial, manufacturing, agricultural, scientific, financial, service or other not-for-profit nature, which is expected to yield an increase in jobs or to result in the retention of jobs or an improvement in production efficiency.

"Department" means the Illinois Department of Commerce and Community Affairs.

"Director" means the Director of the Illinois Department of Commerce and Community Affairs.

"Financial assistance" means a loan or a grant or the purchase of qualified securities or other means whereby financial aid is made to or on behalf of a business project or advanced technology project.

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"Participating lender" means any trust company, bank, savings bank, credit union, merchant bank, investment bank, broker, investment trust, pension fund, building and loan association, savings and loan association, insurance company, venture capital company or other institution approved by the Department which assumes a portion of the financing for a business project.

"Qualified security investments" means any stock, convertible security, treasury stock, limited partnership interest, certificate of interest or participation in any profit sharing agreement, reorganization certificate or subscription, transferable share, investment contact, certificate of interest or participation in a patent or application or, in general, any interest or instrument commonly known as a "security" or any certificate for, receipt for, guarantee of, or option, warrant or right to subscribe to or purchase any of the foregoing, but not including any instrument which contains voting rights or which can be converted to contain voting rights in the possession of the Department.

Section 545.130 Application Cycle
EMERGENCY

Companies interested in applying for financial assistance under this program must submit a business plan for review. Plans will be accepted throughout the year and consideration of plans will be ongoing until funds are exhausted. Business plans should document and convey the company's business strategy, markets, competition, products, management, financial status, and other information relevant for making an informed investment decision.

Section 545.140 Application Review
EMERGENCY

Review process -- The Department shall screen all business plans to determine that all requirements of the program have been addressed. Applicants will be notified of deficiencies in business plans and given an opportunity to correct such deficiencies through resubmission. Business plans meeting overall program guidelines will be provided with a formal application requiring additional information not contained in the business plan. Complete applications will then be reviewed and evaluated by Department staff. This review and evaluation process will be completed within 90 working days of the receipt of a complete application. Department staff will conduct an evaluation of each application.

Section 545.150 Application Documentation
EMERGENCY

The application should provide the following information:

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- a) Executive Summary - a brief description of the company, the major points in the business plan, and the project for which the company is seeking funding. The executive summary should convey the key aspects of the plan and that the company is likely to be commercially viable and feasible.
- b) History of Company - a brief history of the business to date if the company has been an ongoing concern. If the company is a start-up or development stage enterprise, a brief history of the company's progress to date should be included.
- c) Market Information - information on the relevant market and market size for the company's products, and identification of existing and potential customers and competitors of the product.
- d) Product Information - information on the company's existing and anticipated products or services, information on the technology as it relates to these products/services, and a description/analysis of the products/services competitive advantage over existing or anticipated competing products.
- e) Financial Statements - if the company is an ongoing concern, historical financial statements for the past three years and interim statements for the period ending at or within 90 days of the application date including:
 - 1) Profit and loss statements,
 - 2) Balance sheets,
 - 3) Cash flow statements, and
 - 4) Disclosure statements of any material issues which may affect the financial statements including contingent liabilities.
- f) Pro forma Financial Statements - three years of financial projections of the items in subsections (e)(1) through (4), including a monthly cash flow statement for the first year of operations.
- g) Land and Building Information -- if land or building is being acquired, an MAI appraisal and a copy of the purchase option or agreement; for building construction or renovation, a contractor or architect's cost estimates.
- h) Description of Machinery and Equipment -- if machinery and equipment are being acquired, an identification of major classes of equipment to be acquired as part of the project, as well as

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estimates from vendors for new equipment purchased. Detail should include written estimates, appropriate appraisals, and moving and installation cost estimates.

- i) Description of Working Capital - a budget outlining the sources and uses of funds for the project and an explanation of the need for and use of the funds.
- j) Company Management - a listing of those people responsible for the management of the company, their positions and job responsibilities and percentages of ownership.
- k) Personal Resumes - resumes for key member(s) of the management team should be provided outlining their relevant work experience. Personal references should also be included.

- l) Letters of Commitment - if currently available, letters documenting commitments by investors to provide financing for the project, including any bank commitment letters documenting the term, rate and other requirements for the loan.

Section 545.160 Application Evaluation
EMERGENCY

Applications will be evaluated on the technical, market, and financial feasibility of the proposal. Completed applications and corresponding business plans will be reviewed by program staff. The review and evaluation process shall be completed within 90 days, although the time of the review is dependent on the complexity of the project. The Program's review and evaluation process will address the following criteria:

- a) Technical Evaluation Component: The Department may require applicants to undergo a technical feasibility analysis conducted under the auspices of a designated university technology center or under the auspices of individuals/organizations that may possess the expertise to evaluate the technology if the Department lacks the ability to evaluate the project's technical merit. The Department will require applicants to show: the likely source of matching funds that will cover fifty percent of total project costs; project implementation readiness including written commitments from all lenders and investors (if available); and written cost estimates supporting project costs.
- b) Financial Evaluation Component: The applicant's proforma financial statements, including projected annual balance sheets, income statements and cash flow statements and related information, will be reviewed through an investment analysis which will determine business trends, projected profitability, and projected earnings.

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- c) Market Evaluation Component: The Department will require the applicant to show the market feasibility of the project which may include an analysis of the size of the potential market, the anticipated market share, the competitive advantage the project has over existing products on the market, the degree of the competitive advantage, and the potential users of the product(s).
- d) Management Evaluation Component: The Department will require key management to show what their record of performance in a related field has been or how other experiences may benefit the project and may make it viable. The Department will also require the applicants to show their commitment in time and/or personal funds to the project.

Section 545.170 Funding
EMERGENCY

a) Program Funds

The Fund may invest up to \$500,000 in an advanced technology project that can exhibit the likelihood of the technical and commercial viability of the project's products and/or services and seeks funds for expenses that include but are not limited to costs incurred for research and development, organizational costs, working capital, machinery and equipment and the acquisition of land and buildings. Investments may be secured by royalties on the anticipated sales of the company, debt, convertible debt, common and/or preferred stock.

b) Funding Limitations

In accordance with Section 3004(a) of the Act, the Director will waive the funding limitation governing the amount the state's percentage participation in the project when it is determined that a waiver of these limits is required to meet the purpose of the Act. Funding to projects will also be subject to evidence that there is an increased job opportunity in the near term as a result of the investment. Applicants should evidence the number and types of jobs to be created five years from the date the project is undertaken.

Section 545.180 Selection for Funding
EMERGENCY

For any application meeting the criteria of Section 545.140, the program staff will conduct a field/site visit to verify the information in the application which will lead to the final funding decision. The field visit will determine:

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- a) whether information in the and application corresponds to information provided by a physical site visit, by interviewing company management and reviewing company records; and
- b) whether the site meets the needs of the company at the current time based upon the current and anticipated operational needs of the company; and
- c) the extent to which information provided in the application indicates that the company's project is commercially feasible and viable based upon research into the company's industry, market, technology, project and management team.

Section 545.190 Allowable Leverage
EMERGENCY

- a) Allowable leverage will include funds expended by the business after the date which the Department receives a complete application provided that:
 - 1) the business can provide purchase orders, receipts or other documentation to substantiate that the funds were expended after the date the Department received the complete application;
 - 2) documentation clearly indicates that expenditures are for expenses or assets directly related to, and under the control of, the business applicant;
 - 3) the business provides the Department with a resolution by the business proprietor, President, Chairman and/or Board of Directors, attesting that the documentation provided for proof of matching funds accurately represents the money spent and period during which the funds were expended.
- b) Forms of leverage NOT allowable will include:
 - 1) funds expended by the business prior to the date which the Department received a complete application;
 - 2) existing in-state equipment, land, buildings, furnishings, inventory already owned and being utilized;
 - 3) lines of credit;
 - 4) post-project costs (such as operation expenses);
 - 5) debt refinancing.

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Section 545.195 Administrative Requirements
EMERGENCY

- a) Equity - Equity investments will contain provisions for selling (exiting) the equity position, which may include provisions requiring the company to repurchase the state's equity shares at fair market value at a point in the future, possibly within four to eight years from the date of the investment. Exit provisions may also include the right to have the state's equity shares registered for public sale at the time of an initial public offering of stock.
- b) Termination of the Investment - The Department's investment shall be terminated for the following reasons:
 - 1) Termination Due to Loss of Funding - In the absence of state funding for the investment fund for a year, all investments committed to for that year will be terminated in full. In the event of a partial loss of state funding, the Department will make proportionate cuts to all recipients. In the event that the Department suffers such a loss of funding in full or in part, the Department will give the recipient written notice setting forth the effective date of full or partial termination, or if a change in funding is required setting forth the change in funding and changes in the approved budget.
 - 2) Termination for Cause
 - A) If the Department determines that the recipient has failed to comply with the terms of the agreements it has made with the Department (royalty agreement, loan agreement, stock purchase agreement, etc.) the Department shall terminate the investment in whole or in part at any time. Circumstances, explained in the appropriate agreements, which will result in the the right of termination by the Department include, but are not limited to the following:
 - i) Consistent failure to submit required reports;
 - ii) Failure to maintain required records;
 - iii) Failure to protect inventory;
 - iv) Misuse of equipment purchased with the Department's funds;
 - v) Evidence of fraud and abuse; and/or

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- vi) Consistent failure to meet performance standards set forth in the agreements.

B) The Department shall promptly notify the recipient in writing of the Department's determination to terminate, the reasons for such termination and the effective date of the termination. Payments made to the recipient of recoveries made to the Department shall be made in accordance with the legal rights and liabilities explained in the agreement.

3) Termination by Agreement - The Department and the recipient shall terminate the investment in whole or in part when the Department and the recipient agree that continuation of the program and the investment's objectives would not produce beneficial results commensurate with any future expenditure of funds. Both parties shall agree upon termination conditions, including the effective date, and in the case of a partial termination, the portion to be terminated.

c) Events of Default - The entire amount of the investment or the amount of unpaid balance owed to the Department shall be due and payable to the Department if any one of the following events shall occur and be continuing at the time of such demand by the Department, whether voluntarily or involuntarily, or without limitation, occurring or brought about by operation of law or pursuant to or in compliance with any judgement, decree or order of any court or any order, rules or regulations of any administrative or governmental body, provided, however that such sum shall not be payable if recipient's payments have been deferred. The Department will make deferrals based upon a case by case review of the recipient's financial statements and projections to determine if the recipient can make such payments at a future date or dates.

1) Non-Payment of Indebtedness - If the recipient shall fail to make payment of any amount owed to the Department when due.

2) Incorrect Representation or Warranty - If any representation or warranty contained in, or made in connection with the execution and delivery of the agreement, or in any certificate furnished hereto shall prove to have been incorrect.

3) Default in Covenants - If the recipient shall default in the performance of any other term, covenant or agreement contained in the agreements and such default shall remain

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unremedied for thirty (30) days after either:

A) It becomes known to an executive officer of the recipient; or

B) Written notice thereof shall have been given to the recipient by the Department.

4) Voluntary Insolvency - If the recipient shall cease to pay its debts as they mature or shall voluntarily file a petition seeking reorganization of, or the appointment of a receiver, trustee, or liquidation of its assets or to effect a repayment plan with its creditors, or shall be adjudicated bankrupt, or shall make a voluntary assignment for the benefit of creditors.

5) Involuntary Insolvency - If an involuntary petition shall be filed against the recipient under any bankruptcy or insolvency law seeking the reorganization of or the appointment of any receiver, trustee or liquidator for the recipient, or the property of the recipient, or a writ or warrant of attachment shall be issued against the property of the recipient and such petition shall not be dismissed, released or bonded within 30 days after filing or levy.

d) Notice of Default - The recipient agrees to give the Department written notice of any event, within 15 days of the event, which constitutes an event of default.

e) Monitoring and Evaluation - Recipients must permit any agent authorized by the Department, upon presentation of credentials to, in accordance with the constitutional limitation on administrative searches, have full access to and the right to examine any documents, papers, and records of the recipient involving transactions related to the Department's investment.

f) Audits -- For the term of the Agreement:

1) The Department shall have the right to require the company to obtain audited financial statements including a statement of profit and loss, balance sheet, and cash flow statement, which have been prepared by an independent public accountant, certified and licensed by the State of Illinois, in accordance with generally accepted accounting principles consistently applied.

2) The Department reserves the right to conduct at any time during normal working hours, special audits, including, but not limited to, an agency wide audit of funds expended by

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the company relating to the Department's investment.

g) Reporting -- for the term of the Agreement:

1) The recipient shall provide the Department with quarterly financial reports which include statements of profit and loss, balance sheets and statements of sources and uses of cash, certified as true and correct by the Company's Board of Directors.

2) The recipient shall provide the Department with quarterly narrative progress reports summarizing new jobs created, business activities and technological developments, certified as true and correct by the Company's Board of Directors.

h) Nondiscrimination - The recipient shall refrain from unlawful discrimination in employment and undertake affirmative action to assure equality of employment opportunity and eliminate the effects of past discrimination in accordance with the Illinois Human Rights Act (Ill. Rev. Stat. 1987, ch. 68, pars. 1-101 et seq.).

i) Financial Management - The recipient's financial accounting system shall be structured under the accounting standards of the financial accounting standards board of the American Institute of Certified Public Accountants (AICPA) to maintain accountability over its business transactions.

SUBPART C: BUSINESS MODERNIZATION RETOOLING LOAN PROGRAM

Section 545.210 Purpose
EMERGENCY

Through the Business Modernization Retooling Loan Program (program) the Department of Commerce and Community Affairs (Department) will provide long term, fixed-rate, low-interest (i.e., more than three years at below the prime rate current in the major money centers) LOANS TO MATURE, SMALL OR MEDIUM SIZED BUSINESSES IN ILLINOIS IN COOPERATION WITH PRIVATE SECTOR LENDERS, FOR THE PURPOSE OF MODERNIZATION AND INSTALLATION OF ADVANCED TECHNOLOGIES OR PROCESSES WHICH WILL IMPROVE A BUSINESS'S PRODUCTION SYSTEM AND WORK ORGANIZATION WHICH IN TURN WILL PRESERVE OR CREATE PRIVATE SECTOR JOBS FOR ILLINOIS CITIZENS.

Section 545.215 Definitions
EMERGENCY

BUSINESS PROJECT -- ANY SPECIFIC ECONOMIC DEVELOPMENT ACTIVITY OF A COMMERCIAL, INDUSTRIAL, MANUFACTURING, AGRICULTURAL,

SCIENTIFIC, FINANCIAL, SERVICE OR NOT-FOR-PROFIT NATURE, WHICH IS EXPECTED TO YIELD AN INCREASE IN JOBS OR TO RESULT IN THE RETENTION OF JOBS OR AN IMPROVEMENT IN PRODUCTION EFFICIENCY.

Department -- The Illinois Department of Commerce and Community Affairs.

LOAN -- ACCEPTANCE OF ANY NOTE, BOND, DEBENTURE, OR EVIDENCE OF INDEBTEDNESS, WHETHER UNSECURED OR SECURED BY A MORTGAGE, PLEDGE, DEED OF TRUST, OR OTHER LIEN ON ANY PROPERTY, OR ANY CERTIFICATE OF, RECEIPT FOR, PARTICIPATION IN, OR AN OPTION TO ANY OF THE FOREGOING. A LOAN SHALL BEAR SUCH INTEREST RATE, WITH SUCH TERMS OF REPAYMENT, SECURED BY SUCH COLLATERAL, WITH OTHER TERMS AND CONDITIONS, AS THE DEPARTMENT SHALL DEEM NECESSARY OR APPROPRIATE.

PARTICIPATING LENDER -- ANY TRUST COMPANY, BANK, SAVINGS BANK, CREDIT UNION, MERCHANT BANK, INVESTMENT BROKER, INVESTMENT TRUST, PENSION FUND, BUILDING AND LOAN ASSOCIATION, SAVINGS AND LOAN ASSOCIATION, INSURANCE COMPANY, VENTURE CAPITAL COMPANY OR OTHER INSTITUTION which provides a share of the financing for a business project.

Production Efficiency -- Improvements in production levels, quality of output or timeliness of delivery such as indicated by:

Productivity Measures -- for example, increased sales value produced per labor or machine hour, increased production volume per labor or machine hour, increased gross income per employee, or increased ratio of sales value to production costs;

Effectiveness -- for example, decreased defects per total products, decreased returns per products shipped, or decreased late orders compared to total orders;

Efficiency -- for example, reduced product cycle time, reduced work-in-progress inventory, increased total production compared to budgeted or actual costs, reduced non-production labor hours per total labor hours, or reduced capital investment per unit produced;

Revenue and Expense Measures -- for example, increased sales revenues, increased sales contracts, increased profit after taxes, elimination/prevention of company losses, reduced production costs, reduced total company expenses;

General Capacity Measures -- for example, increased capacity to capture contracts, increased product longevity,

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or change in market share.

Program -- The Business Modernization Retooling Loan Program.

Section 545.220 Eligible Businesses
EMERGENCY

a) Eligible Businesses -- Any small, medium-sized or mature Illinois business may make an application for financial assistance under this program. An eligible business includes any for-profit business located in Illinois organized as a sole proprietorship, partnership, corporation, joint venture, association or cooperative. For the purpose of this program, a mature business is one (including predecessor companies) which has been in continuous profitable operation for at least two years or has a meaningful operating history.

b) Targeting -- No firm shall be excluded from participation in this program by reason of amount of sales or income or number of employees. The Department shall actively advertise and promote availability of assistance through this program to medium-sized (50 to 500 employees) businesses in major industrial groups whose final goods, services, or products are sold to markets/consumers outside of Illinois or sold locally and substitute for those imported from outside the state.

Section 545.225 Eligible Uses of Loan Funds
EMERGENCY

a) Funds made available for company modernization or retooling may be for any purpose consistent with the objectives of the Act including, but not limited to, corporate restructuring; purchases of advanced machinery, equipment and tooling; organizational expenses; personnel training; working capital; any other business expense reasonably related to the project; or acquisition, improvement or rehabilitation of land and buildings which is an integral but subordinate part of a new production or process technology.

b) Funds made available to eligible applicants for modernization or retooling shall not be made for more than \$500,000 or for more than 25 percent of the business project costs unless the Director of the department determines that a waiver of these limits in accordance with Section 545.245 is required to meet the purposes of the Act.

Section 545.230 Application Documentation
EMERGENCY

e) Management Qualifications --

1) A listing of those people who are responsible for the

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Applications under the Business Modernization Retooling Loan Program will be accepted on an ongoing basis. The Department will supply interested businesses with an application upon request. Upon reasonable request, representative of the Department shall provide assistance to businesses in completing the application. During the application process, business applicants shall provide the Department representatives access to the place of business and site where the business project will be undertaken. The Department shall provide notice to the business prior to requesting such access and shall request access only during the business's normal working hours. The application must include documentation of the following:

a) Description of the Project -- A summary description of the project including a description of what the company plans to do with the proceeds of the loan.

b) Company History -- A brief history of the applicant, past employment growth, and other facts detailing the past and present condition and structure of the company, as well as identification of the common name of the company if different from the legal name.

c) Market Information -- A description of the primary business of the company, types of products and services offered, information on the applicant's present and future market prospects, and identification of existing and potential major customers and competitors.

d) Actual and Pro Forma Financial Statements -- Financial statements should be audited statements or may be prepared statements which are certified by the applicant's chief executive officer as being prepared from the books and records of the company, fairly reflecting the operations and financial position of the company. Financial statements should include:

- 1) Historical corporate financial statements for the past three years, including Profit and Loss Statements, Balance Sheets, and disclosure of contingent liabilities;
- 2) Interim financial statements (Profit and Loss Statements and Balance Sheets) dated not more than ninety days prior to application; and
- 3) Three-year projections of the Profit and Loss Statement and Balance Sheet and a Monthly Cash Flow Projection for the first year.

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management of the applicant firm, their positions, and percentage of ownership;

i) Letters of Commitment -- Commitment letters documenting all sources of leveraging of outside funds. Loans from financial institutions must have language indicating the loan amount, the specified term and interest, collateral, conditions attendant to the loan, and the fact that the loan is approved.

2) Personal resumes for senior staff at the proposed project site; and

3) Personal financial statement(s) for each principal owning more than 20 percent of the applicant firm.

j) Economic Development/Competitiveness Results -- A statement of results expected which shall include:

f) Site Map -- If appropriate, an outline of the general location of the business project on a site map, including the location of any flood plain or prime farmland areas.

1) Number, type and, if possible, wages of new jobs to be created or existing jobs saved, greater continuity of employment, or greater number of hours worked; and either

g) Need for Funds -- A statement and proof (justification) of a need for sale supported low-interest, long term funds, such as:

2) Expected reduction in the business's operating costs, increased company products/sales, or elimination/prevention of company losses; or

1) Demonstration that the applicant's operation is at a competitive disadvantage with industry located outside the state, or

3) Expected increases in the business's capacity per employee, improved quality of product(s), improved timing of delivery, etc.

2) Demonstration that funds are not available internally or rate of return does not justify investment, or

k) Project Implementation Schedule -- A list of the timelines for major project milestones and/or activities including the start date and end date of each activity.

3) Demonstration of a financing gap such that funding from private sources is not available at affordable costs.

h) Use of Funds -- A detailed explanation of the use of funds including:

l) Subsidiaries and Parents -- Name and identification of relationship to parent companies, subsidiaries, or affiliates.

1) Description of Machinery and Equipment -- Major equipment or classes of equipment to be acquired with the Department's program funds; for the acquisition of new machinery and equipment, attachments showing reliable vendor cost estimates; for moving and installation costs, attachment of written estimates; for used machinery and equipment acquisition, an appraisal demonstrating that the fair market value is in line with the purchase price.

m) Articles of Incorporation -- Copy of the Articles of Incorporation and bylaws or partnership agreement as appropriate.

2) Description of Working Capital (if applicable) -- A detailed explanation of the need for and use of funds; for acquisition of new inventory, written estimates of cost must be provided from the vendor.

Section 545.235 Application Evaluation
EMERGENCY

a) Application Screening -- The Department shall screen all applications to determine that all requirements of the application package have been addressed. Applicants will be notified of deficiencies in applications and given one opportunity to correct such deficiencies through resubmission. Complete applications will be reviewed and evaluated by Department staff. This review and evaluation process will be completed within 60 calendar days of the receipt of a complete application. Department staff will conduct a technical, need/benefit, and financial evaluation of each application.

3) Land and Building Information (allowable only if it is an integral but subordinate part of the project) -- For land and/or building rehabilitation, a contractor's or architect's cost estimates; for land purchases, a copy of the purchase option and evidence of completion of environmental due diligence review.

b) Technical Evaluation Component -- Each application will be reviewed to assure compliance with the technical program requirements. The technical evaluation will address the following criteria:

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- 1) Project Implementation Readiness -- The applicant must demonstrate project readiness, including identification of loans and investments from all lenders and investors on letterhead, signed and dated; time schedule for immediate project initiation; and written cost estimates from contractors, suppliers, and architects which support project costs.
- 2) Information Verification -- Department staff will conduct phone interviews or field visitations as necessary to evaluate and verify information.
- 3) Case Performance -- Desk audits will analyze the case performance of the applicant under previous Departmental programs, if applicable (e.g., success in previous projects and the level of compliance with previous agreements).
- c) Evidence of Need and Benefit Component -- Each application will be reviewed to determine if sufficient need exists for public assistance.
 - 1) Retooling/Modernization Focus -- The applicant must demonstrate that the project will involve the purchase of advanced technology and other expenditures integral to technological improvement, which investment is based on a documented plan of retooling or adaptation to competition including such plans as may be prepared under the Business Modernization Assessment Grant Program.
 - 2) Project Benefit -- The applicant must demonstrate
 - A) the project will have a public benefit of providing a net increase or net retention of jobs for Illinois citizens and
 - B) the project will have a private benefit of improving productivity, effectiveness, or efficiency of the firm's production activities or will increase revenues or reduce expenses.
 - 3) Need for Funds -- The applicant must demonstrate the need for program funds including an indication of alternative funding sources pursued. Additionally, the firm must provide evidence
 - A) of a financing gap such that adequate project financing (rates or terms) cannot be obtained from conventional sources, or

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- B) evidence of rate of return problems such that the project is not viable or return is not satisfactory without Department participation at a low interest rate and long term, or
- C) business demonstrates its operation is at a competitive disadvantage with industry located outside the state.
- d) Financial Evaluation Component -- The applicant's financial statements, including annual Balance Sheets and Profit and Loss Statements for the past three years as well as the most recent ninety days; a three year projected Balance Sheet and Profit and Loss Statement as well as a one-year monthly Cash Flow Statement, will be reviewed through a standard credit analysis. Data and statistics on sales, liquidity ratios, working capital, profit after taxes, margins, overhead, operating cycle, company wealth, officer commitment, projections and project leverage will be analyzed.
 - 1) Indicators -- Company statistics will be compared to similar data for companies in the same industry using "Robert Morris Associates Annual Statement Studies" (1988), if such industry is evaluated by this source. In addition, these statistics are examined for improvement over time.
 - 2) Projections -- Projections provided by applicants will be reviewed for reasonableness, in light of past performance and the anticipated project investment.
 - 3) Financial Stability -- If cash flow exceeds debt service, and if the Department is satisfied that working capital is adequate; quality of debt is sufficient, and trends and projections are consistent and supportive, the applicant will be determined financially stable.
 - 4) Project Leverage -- The applicant must demonstrate that OTHER FINANCING WITH RESPECT TO THE BUSINESS PROJECT IS PROVIDED. OTHER FINANCING MAY BE IN THE FORM OF ANY LOAN, EQUITY POSITION, CONVERTIBLE PREFERRED STOCK, LETTER OF CREDIT, GUARANTEE, BOND PURCHASE OR ANY OTHER FORM APPROVED BY THE DEPARTMENT except funds provided through other Departmental programs. The investment from private sources, which shall comprise the majority of the business project funding, and the owner's equity to be contributed, which shall be a significant part of the business project funding, shall be verified as available and/or committed to the project.

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Section 545.240 Selection for Funding
EMERGENCY

Applications that best meet the objectives of the Act and satisfy the evaluation criteria of Section 545.235 will receive funds, until all available funds are expended. The amount of funds made available will be based upon:

- a) COSTS OF THE EXPECTED RETOOLING OR MODERNIZATION EFFORT AND THE LIKELIHOOD THE WORK WILL RESULT IN SUBSTANTIAL IMPROVEMENT IN THE APPLICANT'S PRODUCTION LEVELS, QUALITY OF OUTPUT, OR TIMELINESS OF DELIVERY in the maximum of 25 percent of the total project costs up to a maximum amount of \$500,000 of public funds, unless such ratio or amount is waived by the Director in accordance with Section 545.245.
- b) JOB CREATION OR RETENTION WHICH WILL RESULT IN RELATION TO THE VALUE OF THE FUNDS REQUESTED AND TYPES OF JOBS CREATED OR RETAINED at a minimum ratio of one job created or retained for each \$5,000 in public funds, unless such ratio is waived by the Director in accordance with Section 545.245.

Section 545.245 Funding Waivers
EMERGENCY

In accordance with Section 3004 (b) of the Act, the Director may waive limitations governing the amount of the loan, percentage of leverage, or the jobs/dollar ratio when it is determined that these funding limitations would prohibit an otherwise approved business project, and subsequent job creation/retention, from occurring. A business project with a higher ratio will be considered for funding if the application demonstrates severe need, including but not limited to:

- a) Distressed community or county with an unemployment rate which is 25 percent higher than the state average, or a per capita income which is less than the state average;
- b) Area with limited economic development as evidenced by absence of development activities within the last two years or as evidenced by new job growth rate less than the state or national average.
- c) Funding would support business which has provided assurance that the project will generate business growth and job creation in the community as a result of spinoff businesses, and thus evidence that the additional jobs will be created or retained.
- d) Funding is needed to avert loss of a major employment source (more than 100 jobs or 2 percent of the local base) in the community.

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- e) Jobs to be created or retained offer wages substantially higher than the prevailing wage in the industry or an annual wage higher than the state's median income.

Section 545.250 Allowable Leverage
EMERGENCY

- a) Allowable leverage contributed by the applicant may include such tangible assets as:
 - 1) Under-utilized land and/or buildings which are a part of the project and which are normally a part of the collateral security for the project;
 - 2) Machinery and equipment brought into the state from another state; and
 - 3) Cash used in the project provided by the principal(s), stockholders, or other investors.
- b) The following funds will not be considered leverage:
 - 1) Funds expended by the business prior to the date of the Department's letter to the applicant committing to the loan;
 - 2) Existing in-state equipment, land, buildings, furnishings, or inventory (already owned and being utilized);
 - 3) Post-project costs (such as operational expenses);
 - 4) Debt refinancing, lines of credit, or other unexpended available funds; and
 - 5) Other funds provided by the Department.

Section 545.255 Loan Agreement
EMERGENCY

The loan agreement will be developed for each business borrower that receives loan funds. The loan agreement will contain, at a minimum, the following items:

- a) Definition Section -- Defining the key terms used in the agreement.
- b) Loan Conditions -- Including statements relating to representations and warranties, evidence of other financing, note, collateral, corporate or partnership document, and legal

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matters.

- c) Borrower Representations and Warranties -- Concerning form of ownership, authorization of agreement, binding effect, accuracy of application, collateral, accuracy of financial statements, absence of loan defaults, absence of litigation, compliance with ERISA laws, absence of tax delinquencies, and possession of appropriate licenses and permits.
- d) Covenants and Continuing Agreements -- To expend public funds in accordance with approved budget, keep detailed project records, furnish proof that its corporate or partnership existence is in full effect, pay all applicable taxes and required insurance, prohibit loans to officers/directors/stockholders, and comply with all applicable state and federal laws.
- e) Default Provisions -- Listing the conditions under which the borrower would be in default of the agreement.
- f) Use of Loan Proceeds -- Briefly describing the business project for which the loan is being made and the exact use of loan funds.
- g) Other Financing of Borrower -- Information on primary lender, the amount of the lender's loan, terms of this loan, etc.
- h) Labor Compliance Requirements -- As appropriate, including equal opportunity employment, minimum wage, and other state or federal labor standards.
- i) Other -- Such other terms and conditions as the Department feels, in its sole discretion, are necessary to adequately secure or document the loan.

Section 545.260 Loan Terms
EMERGENCY

- a) The term of the Department loan will usually mirror the terms of private financing. Loans primarily utilized for machinery and equipment will generally vary from 7 to 10 years; loans primarily intended for short term working capital needs will normally extend for 3 to 5 years.
- b) Working capital loans may require personal guarantees from all individuals owning or controlling 20 percent or more of the applicant company. For small companies without major identifiable principals (e.g., no one owns 20 percent or more of the company), the amount of the loan may be limited to 80 percent of the value of the fixed assets securing the loan. Asset-based loans not secured by a lien on the fixed asset may require

personal guarantees.

- c) Monthly installments shall be due and payable to the Department at a time specified in the loan agreement.

Section 545.265 Loan Security
EMERGENCY

FINANCIAL ASSISTANCE SHALL BE SECURED BY FIRST OR SECOND MORTGAGE POSITIONS ON REAL OR PERSONAL PROPERTY, BY ROYALTY PAYMENTS, BY PERSONAL NOTES OR GUARANTEES, OR BY ANY OTHER SECURITY SATISFACTORY TO THE DEPARTMENT TO SECURE REPAYMENT, IF REQUIRED, BY THE FINANCIAL ASSISTANCE AGREEMENT. Security for department loans may include any or all of the following:

- a) First or second lien security interest in favor of the Department on all personal property of the borrower.
- b) First or second position real estate mortgage in favor of the Department on real estate of the borrower.
- c) Personal guarantees and/or corporate guarantees in the amount of the loan.
- d) Assignment of life insurance of one or more of the principle owners in an amount sufficient to cover the outstanding balance of the Department's loan.
- e) First or second security interest in negotiable securities of the borrower or business principle owners.
- f) Subordination of all existing and future officers' notes payable, capital contributions, and withdrawals in favor of the Department for a specific term.
- g) A business interruption insurance policy acceptable to the Department.

Section 545.270 Maintenance and Insurance of Property
EMERGENCY

- a) The borrower shall at all times maintain the property provided as security for the loan in such condition and repair that the Department's security will be adequately protected.
- b) The borrower shall maintain, during the term of the loan, hazard (e.g., tornado, hail, acts of God) and fire insurance policies at least covering the amount of the loan and extended coverage for all such other hazards issued by an insurance company authorized to do business in the State of Illinois, with an endorsement

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naming the Department as loss payee.

- c) The borrower shall, if at any time during the life of the loan the business's property is declared to be within a flood hazard area, purchase federal flood insurance if available. Such insurance shall be equal to the amount of the loan.
- d) The borrower shall maintain liability and workers' compensation insurance. The borrower shall provide written notice to the Department of any public hearing or meeting before any administrative or other public agency which may, in any manner, affect the chattel, personal property or real estate securing the loan.

Section 545.275 Administrative Requirements
EMERGENCY

- a) Farmland Preservation (if applicable) -- The borrower shall certify that the proposed business project is compatible with established state policy regarding farmland preservation pursuant to the Farmland Preservation Act (Il. Rev. Stat. 1987, ch. 5, pars. 1301 et seq.).
- b) Nondiscrimination -- The borrower shall refrain from unlawful discrimination in employment and undertake affirmative action to assure equality of employment opportunity and eliminate the effects of past discrimination in accordance with the Illinois Human Rights Act (Il. Rev. Stat. 1987, ch. 68, pars. 1-101 et seq.).
- c) Financial Management -- The borrower's financial management system shall be structured under the Accounting Standards of the Financial Accounting Standards Board of the American Institute of Certified Public Accountants (AICPA) (June 1984) to maintain control and accountability over the loan funds.
- d) Reporting -- The borrower shall provide, no more often than semi-annually, information and reports on job creation/retention, production efficiency, company financial statements, and other information as may be required by the Department.
- e) Department Monitoring and Evaluation -- Borrowers must permit any agent authorized by the Department, upon presentation of credentials, to have full access to and the right to
 - 1) inspect, examine or audit any documents, papers, and records involving transactions related to a loan from the Department, including making copies thereof, and

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- 2) inspect or appraise any of the borrower's business assets.
- f) Authorizations -- The borrower shall, upon written request by the Department issue any necessary authorization to the appropriate federal, state or local authority or private person or entity for the release of information concerning a business or business project financed under the provisions of this act, with the information requested to include, but not be limited to, financial reports, returns, or records relating to that business or business project.

- g) Confidentiality -- Documentary materials or data, consisting of trade secrets, commercial or financial information regarding the operation of any enterprise conducted by an applicant applying for funding under this act, or regarding the competitive position of such enterprise in a particular field of endeavor, shall be deemed to be confidential and shall not be deemed public records.

Section 545.280 Audits
EMERGENCY

- a) The borrower shall be responsible for securing an audit of all loan records and such audit must be performed by an independent public accountant, certified and licensed by authority of the State of Illinois. The audit must be conducted in accordance with generally accepted government auditing standards adopted by the AICPA (1981).
- b) The borrower may secure the independent audit of its loan in the same manner as it secures its regular audits, provided it provides for maximum open and free competition, and provided it conducts the audit at least on an annual basis.
- c) The borrower shall work cooperatively with the audit firm selected; actively work with both the audit firm and the Department to resolve any and all audit findings; and work cooperatively with the Department's staff in preparing for, conducting, and resolving audits.
- d) The Department reserves the right to conduct special audits of funds expended under Department loans, at any time during normal working hours.
- e) Any independent public accounting firm that provides consultant services to a borrower is prohibited from conducting an audit of that borrower for the period during which services were rendered.

Section 545.285 Termination of Loan
EMERGENCY

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A loan shall be terminated for the following reasons:

- a) Termination Due to Loss of Funding -- In the absence of state funding for a specific year, all loans for that year will be terminated in full. In the event of a partial loss of state funding, the Department will make proportionate cuts to all Recipients.
- b) Termination for Cause -- If the Department determines that the borrower has failed to comply with the terms and conditions of the loan, the Department shall terminate the loan in whole, or in part, at any time before the date of completion.
- c) Termination by Agreement -- The Department and the borrower shall terminate the loan in whole, or in part, when the Department and the borrower agree that the continuation of the project objectives would not produce beneficial results commensurate with the future expenditures of funds.

Section 545.290 Events of Default
EMERGENCY

- a) The entire unpaid principal of the loan and the interest accrued thereon, shall become due and payable upon the written demand of the Department, without any other notice or demand of any kind or any presentment of protest, if any one of the following events (hereinafter an "event of default") shall occur and be continuing at the time of such demand, whether voluntarily or involuntarily, or without limitation occurring or brought about by operation of law or pursuant to or in compliance with any judgement, decree or order of any court or any order, rules or regulations of any administrative or governmental body:

- 1) Non-payment of Loan -- If the borrower shall fail to make payment when due of any installment of principal on the loan, or interest accrued thereon and if the failure to make payment shall remain unremedied for fifteen (15) calendar days.
- 2) Non-payment of Other Indebtedness -- If default shall be made in the payment when due of any installment of principal or of interest on any of the borrower's other indebtedness (any creditor the borrower owes) and if such default shall remain unremedied for fifteen (15) calendar days.
- 3) Incorrect Representation or Warranty -- If any representation or warranty contained in, or made in connection with the execution and delivery of, the loan

agreement, or in any certificate furnished pursuant hereto, shall prove to have been incorrect.

- 4) Default in Covenants -- If the borrower shall default in the performance of any other term, and such default shall continue unremedied for thirty (30) calendar days after, either:
 - A) It becomes known to an executive officer of the borrower; or
 - B) Written notice thereof shall have been given to the borrower by the Department.
- 5) Voluntary Insolvency -- If the borrower shall cease to pay its debts as they mature or shall voluntarily file a petition seeking reorganization of, or the appointment of a receiver, trustee, or liquidation of its assets or to effect a repayment plan with creditors, or shall be adjudicated bankrupt, or shall make a voluntary assignment for the benefit of creditors.
- 6) Involuntary Insolvency -- If an involuntary petition shall be filed against the borrower under any bankruptcy or insolvency law or seeking the reorganization of or the appointment of any receiver, trustee or liquidator for the borrower, or the property of the borrower, or a writ or warrant of attachment shall be issued against the property of the borrower and such petition shall not be dismissed or such writ or warrant of attachment shall not be released or bonded within thirty (30) calendar days after filing or levy.
- 7) Judgements -- If any final judgement for the payment of money that is not fully covered by liability insurance shall be rendered against the borrower, and within thirty (30) calendar days, shall not be discharged, or an appeal therefrom taken and execution thereon effectively stayed pending such appeal, and, if such judgement be affirmed on such appeal, the same shall not be discharged within thirty (30) calendar days.
 - b) Notice of Default -- The borrower agrees to give written notice to the Department of any event, within fifteen (15) calendar days of the event, which constitutes an event of default.
 - c) Deferrals -- The Department may make deferrals based upon a case by case review of the borrower's financial statements and projections to determine if the borrower anticipates it may be

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able to make payments at a future date.

SUBPART D: BUSINESS MODERNIZATION ASSESSMENT GRANT PROGRAM

Section 545.310 Program Purpose and Mission
EMERGENCY

The purpose of the Business Modernization Assessment Grant Program is to provide Grants to small, medium-size and mature firms to help them improve quality and delivery and reduce costs of their business to meet market demands and thereby create or retain jobs in the state. Competitive Base Analyses (diagnosis of the firm's problems which will suggest the possible role of manufacturing technology in the solution) and Productivity Improvement Services projects (selection of the appropriate type and level of technology and implementation of the technology according to short and long range strategic plans) can serve to:

- a) Assist companies in relating business needs to technological needs, as a part of continual corporate analysis and adaptation to changing markets and competition, to assure continued operation of the Illinois based firm.
- b) Identify productivity improvement or cost reduction opportunities and thus solve particular problems facing the company and its employees.
- c) Assist companies in learning about and selecting new/improved systems required to improve product quality and delivery time and reduce costs of the company's operation.
- d) Assure successful integration of human development and work force training with implementation of technological modernization.
- e) Research, analyze and evaluate the cost/benefit and appropriateness of technology prior to its implementation and thus minimize risks involved in implementing modern systems and new equipment.

Section 545.315 Definitions
EMERGENCY

Application -- A request for program funds including the required statistical and narrative information and attachments.

Department -- The Illinois Department of Commerce and Community Affairs.

Grant -- Funds provided from the Department through this program.

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Grant Agreement -- Contractual agreement between the Department and Recipient, which includes the scope of work to be provided, the budget, and all terms and conditions of the contract.

Program -- The Business Modernization Assessment Grant Program.

Project -- Any activity or activities funded under this program.

Recipient -- Any eligible applicant receiving funds under this program.

Section 545.320 Eligible Grant Categories
EMERGENCY

- a) "Competitive Base Analysis" means a short term consulting evaluation of the existing and potential competitive (productivity and profitability) circumstances of a firm or group of firms in key functional areas of the firm. The analysis can be developed through a combination of plant walk-throughs, statistical data collection, review of available published literature, and extensive interviewing of key personnel, customers, competitors, and other experts who bring perspective to the underlying issues, resulting in a written report which, at a minimum, contains:

- 1) General overview -- Specifications of basic information on the firm's current business strategies, manufacturing technology and process, current and historical market base, and availability of and access to capital, including functional areas of:

- A) Manufacturing technology: machinery of the firm and industry, level of use of automated or computerized technology, strengths, weaknesses, and potential changes and improvements needed to remain viable;
- B) Operations management: production and facilities capacity, receiving and shipping, material flow and handling, production scheduling, and quality control systems;
- C) Market and market niches: firm's position in domestic and international markets in relation to its industry, and its relations with suppliers and customers;
- D) Organizational and human resources: labor/management relations, worker skills upgrading and training needs, job designs and work performance as well as

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front office management, appropriateness of business goals and strategies, and the firm's ability to innovate and change; and

E) General financial condition: stability and growth prospects of the company and its products including those companies involved in local employee buy out, corporate restructuring or corporate turnaround and an assessment of the potential prospects for job preservation and future job growth.

- 2) Problem and opportunity identification -- Identification and analysis of primary productivity or profitability problems in each of the key functional areas and factors which the firm must address for continuous success in the marketplace.
- 3) Baseline information -- Current year financial and production statistics and data to serve as a baseline for measuring productivity improvements.
- 4) Short term solutions -- Identification of immediate, demonstrable, low cost measures, including short term and remedial measures, for each of the functional areas requiring improvement, a preliminary cost/benefit analysis, and a plan of simple actions and procedures to improve productivity and profitability.
- 5) Follow-on strategies and consultants --
 - A) To the extent required, specification of alternative strategies, selection criteria and cost/benefit analysis for the implementation of those alternative strategies and
 - B) a specific prioritized list of appropriate higher cost, longer term technological innovations in operations management, manufacturing technology, or capital equipment and identification of two or more private vendors, consultants, trade associations, etc., qualified to provide recommended services.
- 6) Referrals to public sources of assistance -- For example, Small Business Development Centers for general business assistance, community colleges for employee training, universities and Technology Centers for product commercialization research and development, and state sources of financing for retooling and modernization implementation.

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b) "Productivity Improvement Services" means problem solving services including the analysis, design, planning, introduction, and assistance in implementation of appropriate technological innovations to improve productivity and profitability (and thus, competitiveness). These problem solving services could serve one firm or a group of firms which is aware of one or more particular productivity issues that must be addressed, generally as the result of a Competitive Base Analysis. Productivity Improvement Services should include:

- 1) Identification of alternative strategies -- Identification of exemplary strategies currently in use in comparable industries or companies, for example, machinery, equipment, manufacturing processes or designs, and operational or organizational procedures.
- 2) Selection criteria -- For determining and focusing appropriate type and level of technologies, for example, based on return on investment and significance of benefit, current and future cost impact versus current budget constraints or capital availability schedules, project length and timing issues, and short range and long range strategic business goals.
- 3) Cost and benefit analysis -- Identification of the expected costs of technological innovations (capital outlay, finance charges, training maintenance, etc.), and an associated financial return and benefit analysis to the company (job creation/retention, revenue gains, production level improvements).
- 4) Improvement plans -- Development plans including project descriptions, detailed milestones, time schedules and targeted completion dates for the implementation of advanced machinery or equipment, manufacturing processes or designs, or operational or organizational procedures.
- 5) Operations management services -- Assistance in improving organizational or operations management procedures such as production scheduling and control, material requirements management, capacity requirements planning, quality control systems, etc. This would generally include engaging appropriate consultants with expertise in the procedures and techniques selected, and education and orientation of the company's management and project team to the key principles, technical knowledge, or skills required to implement the management procedures.
- 6) Manufacturing technology selection or modification --

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Assistance in altering, automating or integrating manufacturing technologies in design and engineering; fabrication/machining and assembly; and material handling, inspection and testing, etc. This could include general and specialized engineering consultation audits; assessments of manufacturing technologies in place at the facility and technologies currently available in the marketplace; and technical and engineering assistance with identification, evaluation, selection, installation, and performance testing of the altered manufacturing technology.

- 7) Assessment of capital investments -- Assistance in selecting capital investments for machinery and equipment. This would generally include assessment of manufacturing equipment currently available, assistance with identification of available vendors, and review of vendor support and warranties; development of specific engineering and operational requirements for the equipment; and evaluation of the expected performance of the product.
- 8) Improvement monitoring and feedback -- Including advice and consultation during the conversion to the updated procedure or methodology, assistance with pilot runs and debugging, post-conversion evaluation of the improved organizational or operational procedures, and evaluation and comparison of the company's performance as a result of investment in the productivity improvements.

Section 545.325 Eligible Businesses
EMERGENCY

- a) Small, medium-sized and mature firms are eligible to apply for and receive funds under the provisions of this program, provided that:
 - 1) the firm is located in Illinois or the benefit of the program serves an Illinois based plant or branch and
 - 2) the firm (or its predecessor organization) has been in operation for two years or more or has a meaningful operating history.
- b) To be eligible, a firm must show a need for Productivity Improvement Services or Competitive Base Analysis because it:
 - 1) Has the potential to "Improve Productivity" such as
 - A) reduce high warranty costs, high rework and

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modification costs, or repeated machine down-time or

- B) improve production to a level (output per worker, sales per employee, etc.) that equals or exceeds the average or norms for the industry; or

- 2) Has the potential to reverse an actual or expected "Decline in Production" which is a decline in the number of hours of employment and a decline in sales value or quantity, in comparison with previous monthly, quarterly, or annual statistics for the same period of the previous year for reasons such as
 - A) steady, long term structural deterioration of the industry,
 - B) success of foreign competition in capturing domestic and international markets, etc., or
 - C) limited opportunity for market share which is directly attributable to industry located outside of the state or outside of the nation; or

- 3) Has a need or potential to "Improve Competitive Advantage"
 - A) by improving product cost, design, quality, or cycle time to meet a consumer demand for which the current product is not competitive,
 - B) because the company is required to improve productivity to meet quality standards of its primary customers, or
 - C) because the company requires greater flexibility in its manufacturing process to ease product changes and to assure sensitivity to customer needs.

- c) No firm shall be excluded from participating in this program by reason of amount of sales or income or number of employees. Department assistance through this program may be targeted through special promotions and advertising to assist medium-sized (50 to 500 employees) businesses in major industrial groups including: firms in industries in which Illinois is an acknowledged leader, to assist them in maintaining their dominant national market position; Illinois' core industries, those industries concentrated in the state and employing 20,000 or more, due to the economic benefits created by their continued operation in the state; and firms in industries which have suffered the greatest loss in employment in recent years, which

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have the potential to regain lost markets.

Section 545.330 Application Requirements
EMERGENCY

Applications for Grants shall be submitted by firms or may be submitted by second parties upon specific written approval of a firm on forms provided by the Department. Any page with proprietary information, trade secrets, or other confidential information must be marked "Confidential." Applications shall include the following:

- a) Company information which shall include information such as:
 - 1) Application Cover Sheet -- The Applicant's name, address, and telephone number, and the names of the Applicant's Chief Executive Officer or other authorized officer, and a contact person.
 - 2) Company History -- A very brief description of the Applicant's business including type of business, year founded, organizational structure, and significant events in the company's history.
 - 3) Company Management and Capabilities -- A listing of officers, directors and management, their positions (titles and/or responsibility for operation of the company), and percentage of ownership.
 - 4) Goods and Services --
 - A) a description of the goods and services produced by the company in Illinois; any significant changes in the products or goods produced by the firm; the markets served by the firm;
 - B) identification of which of the articles produced are being adversely affected; three year trends in unit price, unit volume and gross margins; and two year projections in the same categories;
 - C) number, location and nature of manufacturing/production and distribution/sales facilities, domestic (in-state), foreign (out-of-state), and alien (outside the U.S.); and
 - D) number and types of production, management and sales employees.
 - 5) Corporate Financial Statements --

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- A) historical statements (or equivalent federal tax forms) for the past three years, including Profit and Loss Statements, Balance Sheets, Cash Flow Statements, and disclosure of contingent liabilities and
 - B) no more than two years of projections of the Profit and Loss Statements, Balance Sheets, and Cash Flow Statements. At its discretion, the Department may require reviewed, audited statements or may simply require prepared statements.
- b) A statement and description of the project for which funds are being sought:
 - 1) Justification for Productivity Improvement Services or Competitive Base Analysis --
 - A) a description of the Applicant's past and present efforts to analyze its competitive condition and productivity structure,
 - B) a justification of need for improvement in productivity/competitiveness such as to "Improve Productivity," reverse a "Decline in Production" or "Improve Competitive Advantage," and
 - C) a demonstration that adequate resources are not available internally, for example, by describing what will be done that would not be done if the Grant were not available.
 - 2) Identification of the Consultant --
 - A) The name and qualifications of the consultant,
 - B) total consultant hours to be provided and a time schedule listing start and end dates and key benchmarks,
 - C) the objective and scope of the assignment, the nature of the final report and interim progress reports, and consultant and client responsibilities during the project to assure its success, and
 - D) the anticipated charges, expenses, basis of charges (consultant cost per hour and per day) and terms of payment.

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- c) Budget -- Indicate the costs of the Productivity Improvement Services or Competitive Base Analysis, and the source of funds to finance the costs. The budget may be submitted on forms provided by the Department and shall include information such as the cost of contractual services, the cost of materials and supplies, any travel costs, etc.
- 4) Economic Development/Competitiveness Results -- A statement of the potential results and improvements expected which shall include "Jobs," "Level of Employment," and "Revenue and Expenses"; and may include "productivity," "Effectiveness," "Efficiency," or "General Capacity."
- 5) Labor/Management Relations -- If the purpose or result of the study is subject to a collective bargaining agreement, evidence of participation/sign off by appropriate bargaining agents.

Section 545.335 Application Process
EMERGENCY

- a) Technical Assistance -- Upon reasonable request, representatives of the Department shall provide assistance to Applicants in completing the application and budget.
- b) On-Site Inspection -- During the application process, the Department may undertake an on-site visit if the Department determines the necessity to do so. Applicants shall provide representatives of the Department access to the Applicant's place of business and site where the Productivity Improvement Services or Competitive Base Analysis will be conducted. The Department shall provide reasonable prior notice to the Applicant to gain such access and shall request access only during normal business hours.
- c) Submittal of Application -- Applications may be submitted by an eligible business or group of similar eligible businesses. In addition, applications may be submitted by a trade association, non-profit organization, educational institution, research organization, or consultant organization on behalf of an eligible business or group of similar eligible businesses.
- d) Additional Information -- During the evaluation process, the Department reserves the right, where it may serve the Department's best interests, to request additional information or clarification from the Applicant, or to allow corrections of errors or omissions.

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- e) Application Screening -- The Department shall screen all applications to determine that all requirements of the application package have been addressed. Applicants will be notified of deficiencies in applications and given an opportunity to correct such deficiencies through resubmission.
- f) Review -- Complete applications will be reviewed and evaluated by Department staff. This review and evaluation process will be completed within 60 days of the receipt of a complete application.
- g) Notifications -- Subsequent to the evaluation process during which applications are considered for funding, each Applicant will be notified in writing of the Department's approval or disapproval.
- h) Filing -- Approved applications will be maintained on file by the Department. Confidential information will be marked as such and secured.

Section 545.340 Application Evaluation Standards
EMERGENCY

Applications will be comparatively ranked for funding consideration. The nature and purpose of the Productivity Improvement Services or Competitive Base Analysis will determine the extent to which each of the following program evaluation criteria will apply and the weight to be given by the Department to each:

- a) Evidence of Productivity/Competitiveness Improvement Potential -- Each application will be reviewed to determine if a sufficient potential exists to warrant financial assistance.
- b) Evidence of Need for Public Funds -- The application must provide evidence that there is minimal likelihood the project could or would be carried out without state financial assistance from this program.
- c) Potential Project Impact -- The application will be reviewed to determine the extent to which the proposed activities are projected to result in a measurable economic benefit to the state such as jobs created or retained and anticipated productivity improvements at the firm.
- d) Management Cooperation -- The firm's capacity for implementation of project results and its receptivity to productivity and competitiveness enhancement.

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- e) Costs -- The Applicant must demonstrate that the project will involve the purchase of services and expenses directly related to Productivity Improvement Services or Competitive Base Analysis in a proper amount and percent share.
- f) Application Verification -- A verification of submitted application information, either through a field visit or desk review, will be undertaken.
- g) Project Implementation Readiness -- The Applicant must demonstrate project readiness, including a time schedule for immediate project initiation, and written cost estimates from consultants, suppliers, etc., which support project costs.
- h) Previous Case History -- Case performance of the Applicant under previous departmental or similar programs, if applicable (e.g., success in previous projects and the level of compliance with previous Grant agreements).
- i) Labor/Management Relations -- The application must show the extent of cooperation of the firm's management and employees and extent to which interests of employees are served.

Section 545.345 Selection Criteria
EMERGENCY

- a) Grant awards will be made on a monthly basis until all available funds are expended. A set-aside fund may be established in order to take action on those applications requiring immediate attention or quarterly allocations may be established to assure year-round availability. Quarterly allocations and set-asides, if any, will be targeted figures based on the anticipated demand for funds which shall be changed to allow for the types, number, and quality of requests received throughout the year.
- b) Those Applicants which advance the purposes of the Act and comply with Section 545.340 shall be selected for an award of a Grant. The level of the Grant award will be determined in relation to:
- 1) LEVEL OF EXPERTISE OF THE CONSULTANT OR FIRM UNDERTAKING THE FEASIBILITY STUDY OR COMPETITIVENESS ASSESSMENT,
 - 2) LIKELIHOOD AND EXTENT THAT THE WORK WILL RESULT IN SUBSTANTIAL IMPROVEMENT IN APPLICANT'S OPERATION, AND
 - 3) DETERMINATION OF WHETHER AND THE EXTENT THAT IMPROVEMENT WILL RESULT IN CREATION OR RETENTION OF JOBS and the number of jobs impacted.

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- c) A Grant ceiling of 50 percent of project costs has been established by the legislation, subject to waiver by the Director. The Director may waive this funding limitation, allowing greater support, when:
- 1) The Applicant demonstrates to the Department through a financial analysis that the 50 percent funding limitation would prohibit an otherwise approved project, in accordance with Section 545.340, from occurring;
 - 2) The Applicant demonstrates an extraordinary community benefit such as
 - A) to determine feasibility of a corporate restructuring or corporate turnaround or to prevent a bona fide corporate relocation to another state,
 - B) project affects a substantial number of employees, or
 - C) community in which the project is located is distressed or has limited economic development opportunities; or
 - 3) The total request for State funds to serve a specific eligible business does not exceed \$10,000 and
 - A) the purpose of the request is to conduct a Competitive Base Analysis; or
 - B) the work to be performed is undertaken by a public or proprietary institution of higher education, a state Technology Center, a Small Business Development Center, or a non-profit organization.

Section 545.350 Grant Limitations
EMERGENCY

- a) Eligible Costs -- The costs of an Applicant incurred directly as a Productivity Improvement Services or Competitive Base Analysis expense, including contractual services, consultant fees, commodities, materials and supplies, travel and other project related direct expenses necessitated by the Productivity Improvement Services or Competitive Base Analysis are eligible costs which may be reimbursed with Grant proceeds. Grant funds may not be used to purchase tangible personal property having a useful life of more than one year and an acquisition cost of \$500 or more per unit.
- b) Competitive Base Analysis Grant Amounts -- The Department may

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approve Grants in amounts necessary to pay a percent share of Eligible Costs as defined in subsection (a), incurred by or on behalf of an eligible business for a Competitive Base Analysis up to a maximum of \$10,000, unless the Director waives the percent share or maximum amount in accordance with Section 545.345(c).

c) Productivity Improvement Services Grant Amounts -- The Department may approve Grants in amounts necessary to pay up to 50 percent of Eligible Costs, as defined in subsection (a) incurred by or on behalf of an eligible business for Productivity Improvement Services, up to a maximum of \$100,000, unless the Director waives the percent share or maximum amount in accordance with Section 545.345(c).

d) Cost Share Limitations -- The Department reserves the right to limit its share of project costs, for example, the Department's share of consultant cost per hour or consultant cost per day and to limit to no less than 25 percent of total project costs the amount of indirect and/or in kind expenses of the project to be considered in the computation of matching share.

Section 545.355 Administrative Standards for Grant Recipients
EMERGENCY

a) Grant Agreement -- The Department will have discussions with the applicant as needed to negotiate the Grant Agreement. The Grant Agreement will set out the scope of work of the grant, the terms and conditions of the grant, and the period of the Grant Agreement.

b) Grant Period -- Any Productivity Improvement Services or Competitive Base Analysis Grant shall have period of completion as determined by the Department.

c) Non-Discrimination -- The Recipient shall refrain from unlawful discrimination in employment and undertake affirmative action to assure equality of employment opportunity and eliminate the effects of past discrimination in accordance with the Illinois Human Rights Act (Ill. Rev. Stat. 1987, ch. 68, pars. 1-101 et seq.).

d) Complaint Process -- In the event of a Recipient complaint, the Department will follow the procedures outlined in the Administrative Review Law (Ill. Rev. Stat. 1987, ch. 101, pars. 30101 et seq.).

e) Confidentiality -- Any proprietary documentary materials or data received by the Department, consisting of trade secrets, or commercial or financial information regarding the operation of

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any enterprise conducted by an Applicant applying for funding under this Act, or regarding the competitive position of such enterprise in a particular field of endeavor, shall be deemed to be confidential and shall not be deemed public records.

f) Fund Availability -- Payments pursuant to a grant are subject to the availability of funds appropriated to the department by the Illinois General Assembly. Grant funds must be expended or obligated within the period of the Grant Agreement and liquidated within the period of time as determined by the Department.

g) Disbursement of Funds -- Upon approval of an application for a Grant and execution of a Grant agreement, and subject to the provisions of this program, funds to be provided by the Department to the Applicant may be immediately disbursed, may be disbursed based on work in progress, or may be disbursed subject to receipt of final or interim progress reports. Payments to the Recipient are subject to the initiation of an invoice voucher and receipt of an expenditure summary or documentation of expenses.

h) Financial Management -- The Recipient is accountable for funds received under this grant and shall maintain effective control and accountability over all funds and other assets under the grant. The Recipient shall keep records which detail and accurately document the Recipient's expenditures of grant funds for a period of two years from the end of the Grant Agreement.

i) Interest on Grant Funds -- In accordance with Section 10 of the Illinois Grant Funds Recovery Act (Ill. Rev. Stat. 1988 Supp., ch. 127, par. 2301), all interest earned on funds held by the Recipient under the Grant shall become part of the Grant when earned. Any interest earned under the Grant, and not expended as Grant principal during the term of the Grant, shall be returned to the Department.

j) Overpayments and Recovery of Funds -- If the grant Recipient expends grant funds contrary to the provisions of the Grant agreement, such action shall require the repayment of those funds if the expenditure violated the Recipient's assurances or the statutory provisions. The Department may require repayment of Recipient expenditures that do not conform to the provisions of the Grant Agreement but do not violate statutory provisions. An overpayment of grant funds (unliquidated balance) shall promptly be refunded to the Department which shall be not later than 45 days after the expiration of the Grant Agreement. In addition, the Recipient agrees to repay the Department for any funds that are determined by the Department to have been spent in violation of the Grant agreement.

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k) Department Monitoring and Evaluation -- Recipients and their subcontractors, if any, must permit any agent authorized by the Department, upon presentation of credentials to have full access to and the right to examine any documents, papers, and records of the Recipient involving transactions related to a Grant from the Department.

l) Special Audits -- The Department reserves the right to conduct special audits at any time during normal working hours, of funds expended under the program.

Section 545.360 Project Reporting

EMERGENCY

a) General Reports -- The Department reserves the right to require interim reports to document progress in accomplishing the objectives of a Grant. The Recipient shall provide, within 30 calendar days of a request, such interim reports on progress as may be required by the Department including consultants reports, narrative analyses, reports on job creation/retention and production level improvements and summaries of expenditures.

b) Consultant Report -- The Recipient will provide to the Department within 30 calendar days of the end of the Grant agreement, a written copy of the documents and/or reports of its Competitive Base Analysis or Productivity Improvement Services Grant including any consultant digest report or letter report.

c) Recipient Narrative Analysis -- Upon review of the Consultant's report, the business shall determine and report to the Department within 30 calendar days of the end of the Grant agreement:

- 1) Whether the consultant's cost and time estimates were accurate and whether the assignment was completed and meets the expectations of the business.
- 2) Whether the analysis adequately identifies and diagnoses problems, and provides recommendations for corrective action.
- 3) Whether the plan contains a sound and detailed strategy for action to be undertaken to enhance the business's success.
- 4) If appropriate, the extent to which the recommendations were or will be installed and the timetable for such action.
- 5) Whether a reasonable prospect exists that the implementation of the plan will allow the firm to become

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competitive, profitable and successful and create or retain jobs in the state.

d) Productivity Status Report -- The Recipient of a Grant shall provide the Department with a narrative statistical progress report on the status of job creation/retention, production level improvements, and revenues and expenses at the Recipient's plant/operation. The report shall be due 30 calendar days after the one-year anniversary date of the signature of the Grant. Additionally, any Recipient of a Productivity Improvement Services Grant shall provide a similar status report due 30 calendar days after the two-year anniversary date of the signature of the Grant. The Productivity Status Report shall include, but not be limited to:

1) Job Creation/Retention -- The Recipient must provide information on the net job creation/retention which has occurred as a result of the project, including:

A) Jobs Impact -- Identification of the number and types (production, management, sales, etc.) of jobs to be created or existing jobs to be saved and retained.

B) Level of Employment -- The increase in hours of employment offered to employees, reduction of layoff periods, etc.

2) Revenue and Expense Measures -- The Recipient must show the financial benefit to the firm, which shall be determined by:

A) Revenue Measures -- Increased sales revenues, increased profit after tax, increased sales contracts.

B) Expenses -- Elimination/prevention of company losses, reduced production costs, reduced total company expenses, etc.

3) Production Level Improvements -- The Recipient must report the extent to which the project (as opposed to outside factors) has changed production levels, quality of output, timeliness of delivery, or other general measures of increased capacity. This may include a review of:

A) Productivity Measures -- For example, increased sales value per labor or machine hour, increased production volume (units or sales value) per labor or machine hour, increased gross income per employee, increased

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ratio of sales to production costs, etc.

- B) Effectiveness -- For example, decreased defects per total products, decreased returns per products shipped, decreased late orders compared to total orders, reduced product warranty costs, etc.
- C) Efficiency -- For example, reduced lead time, reduced cycle time, reduced work in progress inventory, increased total production compared to budgeted or actual costs, decreased non-production labor hours per total labor hours, reduced capital investment per unit of product produced, etc.
- D) General Capacity Measures -- For example, increased capacity to capture contracts, increased product longevity, change in market share, etc.
- e) Expenditure Summary -- Each Recipient funded shall maintain and provide to the Department appropriate and accurate documents and records of actual Grant related obligations and expenses and appropriate documents and records which detail the Recipient's expenditure of Grant funds.

Section 545.365 Modification, Suspension and Termination of Grant EMERGENCY

- a) Modification and Amendment of the Grant -- The Grant Award is subject to revision as follows:

- 1) Modifications by Operation of Law -- The Grant Award is subject to such modifications as may be required by changes in state law or regulations. Any such required modification shall be incorporated into and made a part of the Grant within the provisions of the Illinois Grant Recovery Act (Ill. Rev. Stat. 1987 and 1988 Supp., ch. 127, pars. 2301 et seq.). The Department shall notify in writing the Recipient of any amendment to such regulations.
- 2) Modifications in Budget -- Recipients requests for budget variations in the amount or line item costs shall be in writing by registered letter and shall give justifications for the requested variations. The Department may approve modification requests, if, in the Department's sole determination, such is necessary to achieve program objectives. Any changes in cost categories or line items shall not alter the activities or deliverables for the project. If the Department approves the modification request, the Recipient will be notified in writing of the

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change and effective date.

- 3) Other Modifications by Department or Recipient -- If either the Department or the Recipient desires to modify the terms of the Grant Award other than as set forth in subsections (a)(1) and (2) above, written notice of the proposed modification shall be given to the other party. No modification shall take effect unless agreed to in writing by both the Department and the Recipient.
- b) Suspension --
 - 1) If the Department believes that a Recipient has failed to faithfully perform the terms and conditions of the scope of work of the project, then the Department may suspend the Grant and withhold further payments until the Grant is terminated, or the Recipient's failure has been corrected.
 - 2) The Department will determine that a Recipient has failed to faithfully perform the terms and conditions of the scope of work of the project when:
 - A) The Department has notified the Recipient in writing of the existence of circumstances such as repeated failure to submit required reports, misapplication of Grant funds, evidence of fraud and abuse, repeated failure to meet performance timelines or standards, or failure to resolve negotiated points of the agreement; and
 - B) The Recipient fails to develop and implement a corrective action plan within 30 calendar days of the Department's notice.
- c) Termination -- A Grant shall be terminated for any of the following reasons:
 - 1) Termination Due to Loss of Funding -- In the absence of state funding for a specific year, all Grants for the year will be terminated in full. In the event of a partial loss of state funding, the Department will make proportionate cuts to all Recipients.
 - 2) Termination for Cause -- If the Department determines that the Recipient has failed to comply with the terms and conditions of the Grant Agreement, the Department shall terminate the Grant in whole, or in part, at any time before the date of completion.

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- 3) Termination by Agreement -- The Department and the Recipient shall terminate the Grant in whole, or in part, when the Department and the Recipient agree that the continuation of the project objectives would not produce beneficial results commensurate with the future expenditures of funds.

SUBPART E: DEVELOPMENT CORPORATION PROGRAM

Section 545.410 Program Purpose
EMERGENCY

The purpose of the Development Corporation Program is to PROVIDE QUALIFIED INVESTMENTS, LOANS OR GRANTS TO DEVELOPMENT CREDIT CORPORATIONS, FINANCIAL INTERMEDIARIES OR OTHER ENTITIES WHOSE PURPOSE INCLUDES FINANCING, PROMOTING OR ENCOURAGING COMMERCIALIZATION, ADOPTION OR IMPLEMENTATION OF ADVANCED TECHNOLOGIES, PROCESSES OR PRODUCTS.

Section 545.420 Definitions
EMERGENCY

"BUSINESS PROJECT" MEANS ANY SPECIFIC ECONOMIC DEVELOPMENT ACTIVITY OF A COMMERCIAL, INDUSTRIAL, MANUFACTURING, AGRICULTURAL, SCIENTIFIC, FINANCIAL, SERVICE OR OTHER NATURE, WHICH IS EXPECTED TO YIELD AN INCREASE IN JOBS OR TO RESULT IN THE RETENTION OF JOBS OR AN IMPROVEMENT IN "PRODUCTION EFFICIENCY".

"BUSINESS PROJECT EXPENSE" INCLUDES COSTS INCURRED FOR RESEARCH AND DEVELOPMENT; AMORTIZABLE ORGANIZATIONAL COSTS; WORKING CAPITAL FINANCING, THE PURCHASE OR LEASE OF MACHINERY AND EQUIPMENT AND TOOLING, OR THE LEASE OR PURCHASE OF REAL PROPERTY, INCLUDING CONSTRUCTION, RENOVATION, OR LEASEHOLD IMPROVEMENTS, BUT DOES NOT INCLUDE REFINANCING DEBT.

"Development Corporation" means any public or private Development Corporation whose mission or mandate includes promoting, encouraging or financing business modernization and retooling or adoption and implementation of new production equipment, process or technologies, including banks and bank holding companies, community development corporations, state development credit corporations, regional development authorities authorized to do business by an act of this state, or other financial intermediary.

"FINANCIAL ASSISTANCE" MEANS A LOAN OR A GRANT OR THE PURCHASE OF QUALIFIED SECURITIES OR OTHER MEANS WHEREBY FINANCIAL AID IS MADE TO OR ON BEHALF OF A DEVELOPMENT CORPORATION.

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NOTICE OF EMERGENCY RULES

"QUALIFIED SECURITY INVESTMENTS" MEANS ANY STOCK, CONVERTIBLE SECURITY, TREASURY STOCK, LIMITED PARTNERSHIP INTEREST, CERTIFICATE OF INTEREST OR PARTICIPATION IN ANY PROFIT SHARING AGREEMENT, REORGANIZATION CERTIFICATE OR SUBSCRIPTION, TRANSFERABLE SHARE, INVESTMENT CONTRACT, CERTIFICATE OF INTEREST OR PARTICIPATION IN A PATENT OR APPLICATION OR, IN GENERAL, ANY INTEREST OR INSTRUMENT COMMONLY KNOWN AS A "SECURITY" OR ANY CERTIFICATE FOR, RECEIPT FOR, GUARANTEE OF, OR OPTION, WARRANT OR RIGHT TO SUBSCRIBE TO OR PURCHASE ANY OF THE FOREGOING, BUT NOT INCLUDING ANY INSTRUMENT WHICH CONTAINS VOTING RIGHTS OR WHICH CAN BE CONVERTED TO CONTAIN VOTING RIGHTS IN THE POSSESSION OF THE DEPARTMENT.

Section 545.430 Applications
EMERGENCY

a) Application Availability

1) Applications for financial assistance will be made available on an annual basis if sufficient monies are allocated for the program. Upon request, the Department will supply potential applicants with an application package.

2) Any Development Corporation as defined in Section 545.420 is eligible to apply for financial assistance to set up and operate a Development Corporation under this program. Such applicants must submit an application on forms provided by the Department. A standard application form will be used statewide.

3) Public notice of the availability of applications and the application due date will be published in the state recognized newspaper. Applications will be due on the deadline as determined by the Department. The due date will be no sooner than 45 calendar days after the public notice.

b) Program Application -- Applications for financial assistance from the Department must address the following items:

1) History of Applicant -- Provide a brief history of the Development Corporation, legal status (i.e., stock corporation, not-for-profit, general unit of government, etc.), board structure, office location, etc., as a separate attachment. Provide proof of authority to operate including, as appropriate, articles of incorporation, bylaws, and a resolution of the Board to participate.

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- 2) Mission and Goals -- Fully describe the public purpose being served by the Development Corporation which must include financing and promoting the adoption of advanced technologies, the major objectives of the proposed Development Corporation and how it will meet these objectives.
- 3) Local Market Needs -- Identify the geographic area to be served by the Development Corporation and the typical borrowers to be served (beneficiaries of the Development Corporation's lending). Identify problems or weaknesses in the ability of conventional lenders to serve the Development Corporation's typical borrower and the primary business financing needs that will be addressed. Include a profile of the Development Corporation's target area, for example county, multi-county area, statewide, etc.
- 4) Financial Products and Services -- Describe the specific financial products and financial services to be offered. This should include the type of lending and equity to be offered, term of lending to be provided, minimum and maximum amounts, if any, on loans outstanding to individual firms, etc. If the Development Corporation is recently formed, include the timetable for implementation.
- 5) Results Expected -- Describe anticipated public benefits resulting from the Department's financial assistance in terms of retooling or modernization, jobs created or retained, etc.
- 6) Staffing and Management -- Provide a description of how and by whom the Development Corporation will be managed and staffed including specific information on board membership. Describe anticipated federal or state agency regulatory oversight activities of the Development Corporation's activities.
- 7) Operating Procedures and Strategies -- Describe how the Development Corporation will be operated, proposed location of offices and/or facilities, marketing of corporate services, etc. Describe the corporate decisionmaking process for making business loans and other types of investments, due diligence process and credit analysis procedures to be used, and application procedures to assure prudent operation of the lending and investment activity. Minimally, these service delivery strategies must be adequate to address relending requirements outlined in Section 545.495.

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- 8) Coordination and Community Involvement -- Provide a description of the primary working relationships with public and private entities, such as local state and federal financial institutions, venture capital partnerships, public or non-profit development agencies, etc. Describe community involvement in the Development Corporation referral process (if any).
- 9) Capitalization -- Provide a summary of financial projections, anticipated sources of operating income, the amount of Development Corporation capitalization and the expected funding needs of the Development Corporation. Specifically, include the nature and amount of bank and other corporate investments, and major stockholders or shareholders and percent of ownership. For a new Development Corporation, include a detailed timetable for securing all initial corporate financing.
- 10) Budget Request -- Identify the amount of funds being sought from the Department. The request should also detail the type of funding requested (loan, grant or security investment), how it will be secured and repaid, and how it will be used (direct lending, etc.) and the anticipated schedule (timing) for using Department funds. If Departmental monies are to be used for organizational or administrative costs, the amount should be noted, and justification should be provided.

Section 545.440
Application Review Process
EMERGENCY

- a) Department staff will screen all applications to determine that all minimum requirements of the application package have been addressed. Applications will be reviewed in accordance with Department review criteria listed in subsection (b).
- b) A request for financial assistance to set up and operate a Development Corporation will be evaluated on in accordance with the requirements of this part. The review of applications will begin after the application due date and take no more than 75 working days, with financial assistance awards being announced at the end of that period. Applications will be evaluated on the basis of:
 - 1) The extent of economic distress and unemployment in the area to be served; the nature of financial needs of the area and the geographic diversity of the applicants;
 - 2) The capability of the applicant and its staff as

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demonstrated by existing or past experience in managing similar work activities to those proposed to be undertaken;

- 3) Time schedule for project initiation, etc. indicating the level of project readiness;

- 4) Actual or anticipated amount of capitalization, extent of leveraging of other financial resources and consistency of proposed items of expenditure with the requirements of the Act;

- 5) The merits of the proposed work plan and consistency of proposed activities with requirements of Section 545.495;

- 6) The level of economic development results expected in terms of development financing, retooling or modernization, jobs created or retained, private funds leveraged, etc. and level of other significant benefits or impacts;

- 7) Evidence of direct linkages or coordination between the proposed program and private financial institutions and public investment/loan/guarantee programs;

- 8) The anticipated financial feasibility of the project and its ability to maintain continuous operation beneficial to the public; and

- 9) Level of performance by applicant under previous Departmental programs, if applicable.

- c) Upon selection, the Department will notify applicants of the amount of financial assistance, if any, which may be used to set up and operate the Development Corporation. During formal negotiation discussions held with the Department, the Department and the applicant will agree to the scope of work of the agreement and the period of the agreement. The Department will issue an award letter and will issue an agreement, for signature by the applicant. Subject to negotiation, the Department may limit the amount of time such funds which will be available for the use by the Applicant.

Section 545.450 Financial Assistance
EMERGENCY

- a) Financial Assistance Limits --

- 1) A Department Financial Assistance to a Development Corporation in the form of a loan shall not be made for more than \$500,000 or for more than 25 percent of the

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amount of actual or anticipated initial capitalization unless the Director of the Department determines that a waiver of these limits in accordance with subsection (b) is required to meet the purposes of the act.

- 2) Department Financial Assistance to a Development Corporation in the form of qualified security investments for an eligible applicant shall not be made for more than \$500,000 and shall not be made for more than 25 percent of the amount of initial capitalization unless the Director of the Department determines that a waiver of these limits (in accordance with subsection (b)) is required to meet the purpose of the act.

- 3) Department Financial Assistance to a Development Corporation in the form of a grant shall not be made for more than \$500,000 unless the Director of the Department determines a waiver is required to meet the purposes of the act.

- b) Funding Waivers -- The Director waive limitations governing the amount of the financial assistance and percentage of leverage when it is determined that these funding limitations would prohibit an otherwise approved project, and subsequent job creation/retention, from occurring. A project with a higher ratio will be considered for Financial Assistance if the application demonstrates severe need, including, but not limited to a demonstration that:
 - 1) The Development Corporation serves a distressed community, county, or multi-county area with an unemployment rate which is 25 percent higher than the state's average;
 - 2) The area to be served has limited economic development potential without support as evidenced by new job growth rate less than the state or national average;
 - 3) Funding would support a Development Corporation which has provided assurance the project will generate business growth and job creation in the community as a result of spinoff businesses and thus evidence that additional jobs will be created or retained.

Section 545.460 Administrative Standards
EMERGENCY

- a) Financial Assistance Agreement -- During formal negotiations and discussions held with the Department, the Department and the applicant will agree to the scope of work of the agreement and

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the period of the agreement which shall be no longer than two years.

- b) Nondiscrimination -- The Development Corporation shall refrain from unlawful discrimination in employment and undertake affirmative action to assure equality of employment opportunity and eliminate the effects of past discrimination in accordance with the Illinois Human Rights Act (Ill. Rev. Stat. 1987, ch. 68, pars. 1-101 et seq.).
- c) Complaint Process -- In the event of a Development Corporation complaint, the Department will follow the procedures outlined in the Administrative Review Law (Ill. Rev. Stat. 1987, ch. 110, pars. 3101 et seq.).
- d) Financial Statements -- The Development Corporation will provide, at least annually, information and reports required by the Department, including the Corporation's balance sheet, profit and loss statement, and other financial reports due within 45 calendar days of the end of the state fiscal year.
- e) Progress Reports -- An annual progress report shall be prepared by the Development Corporation pertaining to and describing the progress in lending funds, specific business assisted, and the amount of funds loaned invested jobs created or retained, etc. A copy shall be delivered to the Department within 45 calendar days of the end of state fiscal year.
- f) Department Monitoring and Evaluation -- A Development Corporation must permit any agent authorized by the Department, upon presentation of credentials, to have full access to and the right to examine any documents, papers, and records of the Development Corporation involving transactions related to financial assistance from the Department.
- g) Administrative Costs -- The Development Corporation may use the Department's financial assistance for administrative costs organizational costs, or other similar costs only in accordance with the agreement between the Department and the Development Corporation.
- h) Conflict of Interest -- Each Development Corporation shall provide adequate standards to assure there is no conflict between borrowers and members of the Development Corporation's staff or board to the extent that no staff or board member shall have any financial interest in nor shall the member profit from, any loan to a borrower.

Section 545.470 Financial Assistance Standards

EMERGENCY

- a) Record Retention Requirements -- All Development Corporations must adhere to the provisions contained in the Secretary of State's Regulations (44 Ill. Adm. Code 4000) of the Local Records Commission and Local Records Act (Ill. Rev. Stat. 1987, ch. 116, par 43.101 et seq.).
- b) Property Management -- All property and assets purchased with the Financial Assistance Award must be used on the original project as long as needed. The Department shall determine whether there is a continued need to use all such property beyond the period of the agreement and may authorize disposition consistent with the purposes of the Act.
- c) Cash Management -- Recipients shall make all cash depositories in accounts covered under Federal Depositors Insurance Corporation or Federal Savings and Loan Insurance Corporation agreements. Development Corporations shall provide for bonding of fiscal employees (i.e., the amount of coverage shall be the higher of \$100,000 or the highest cash drawdown planned during the grant period.)
- d) Earnings on Funds -- In accordance with Section 10 of the Illinois Grant Funds Recovery Act (Ill. Rev. Stat. 1988 Supp., ch. 127, par. 2310), all interest earned on funds held by the Development Corporation under this financial assistance agreement shall become part of the financial assistance agreement when earned. Earnings by the Development Corporation, including repayment of principle and interest on loans realized shall become a part of the financial assistance agreement.
- e) Method of Compensation -- Payments pursuant to a Financial Assistance Award are subject to the availability of funds appropriated to the Department by the Illinois General Assembly. Payments to the Development Corporation are subject to the initiation of an invoice voucher. Financial assistance must be obligated, vouchered and liquidated within the period of the agreement or some period of time as determined by the Department.
- f) Record Review and Monitoring -- Development Corporations and their subcontractors, if any, must permit any agent authorized by the Department, upon presentation of credentials, to have full access to and the right to examine any documents, papers and records of the Development Corporation involving transactions related to a Financial Assistance Award under this program, for three (3) years from the date of submission of the final progress report or until audit findings have been resolved, whichever is later.

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- g) Financial Management -- The Development Corporation is accountable for funds received under this Financial Assistance Agreement and shall maintain effective control and accountability over all funds and other assets under the grant. The Development Corporation shall keep records which detail and accurately document the Development Corporation's expenditures of grant funds. A Development Corporation's financial management system shall be structured under the Accounting Standards of the Financial Accounting Standards Board of the American Institute of Certified Public Accountants (AIPA) (June, 1984).

- h) Overpayments and Recovery of Funds -- If the Development Corporation expends funds contrary to the provisions of the agreement, such action shall require the repayment of those funds if the expenditure violated the Development Corporation's assurances or the statutory provisions. The Department may require repayment of Development Corporation expenditures that do not conform to the provisions of the Agreement but do not violate statutory provisions. An overpayment of financial assistance funds (unliquidated balance) shall promptly be refunded to the Department. In addition, the Development Corporation agrees to repay the Department for any funds that are determined by the Department to have been spent in violation of the agreement.

Section 545.480 Audits
EMERGENCY

- a) The Development Corporation shall be responsible for securing an audit of all loan records and such audit must be performed by an independent public accountant, certified and licensed by authority of the State of Illinois. The audit must be conducted in accordance with generally accepted auditing standards.
- b) The Development Corporation may secure the independent audit of its loan in the same manner as it secures its regular audits, provided it provides for maximum open and free competition, and provided it conducts the audit at least on an annual basis.
- c) The Development Corporation shall work cooperatively with the audit firm selected; actively work with both the audit firm and the Department to resolve any and all audit findings; and work cooperatively with the Department's staff in preparing for, conducting, resolving audits.
- d) The Department reserves the right to conduct special audits, including but not limited to, an agency-wide audit, at any time during normal working hours of funds expended under Department loans.

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- e) Any independent public accounting firm that provides consultant services to a Development Corporation is prohibited from conducting an audit of that Development Corporation for the period during which services were rendered.

Section 545.490 Modification, Suspension and Termination of Financial Assistance
EMERGENCY

- a) Modification and Amendment of the Financial Assistance Award -- The award of financial assistance is subject to revision as follows:

- 1) Modifications by Operation of Law -- The award of financial assistance is subject to such modifications as may be required by changes in state law or regulations. Any such required modification shall be incorporated into and made a part of the financial assistance within the provisions of the Illinois Grant Recovery Act (Ill. Rev. Stat. 1987 and 1988 Supp., ch. 127, pars. 2301 et seq.). The Department shall notify in writing the Development Corporation of any amendment to such regulations.

- 2) Modifications in Budget -- Development Corporations requests for budget variations in the amount or line item costs shall be in writing by registered letter and shall give justifications for the requested variations. The Department may approve modification requests, if, in the Department's sole determination, such is necessary to achieve program objectives. Any changes in cost categories or line items shall not alter the activities or deliverables for the project. If the Department approves the modification request, the Development Corporation will be notified in writing of the change and effective date.

- 3) Other Modifications by Department or Development Corporation -- If either the Department or the Development Corporation desires to modify the terms of the financial assistance other than as set forth in subsections (a)(1) and (2) above, written notice of the proposed modification shall be given to the other party. No modification shall take effect unless agreed to in writing by both the Department and the Development Corporation.

b) Suspension --

- 1) If the Department believes that a Development Corporation has failed to faithfully perform the terms and conditions of the scope of work of the project, then the Department may suspend the financial assistance and withhold further

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payments until the financial assistance is terminated, or the Development Corporation's failure has been corrected.

- 2) The Department will determine that a Development Corporation has failed to faithfully perform the terms and conditions of the scope of work of the project when:

- A) the Department has notified the Development Corporation in writing of the existence of circumstances such as repeated failure to submit required reports, misapplication of Department funds, evidence of fraud and abuse, repeated failure to meet performance timelines or standards, or failure to resolve negotiated points of the agreement; and
- B) the Development Corporation fails to develop and implement a corrective action plan satisfactory to the Department within 30 calendar days of the Department's notice.

- c) Financial assistance shall be terminated for the following reasons:

- 1) Termination Due to Loss of Funding -- In the absence of state funding for a specific year, all financial assistance for that year will be terminated in full. In the event of a partial loss of state funding, the Department will make proportionate cuts to all Development Corporations.

- 2) Termination for Cause -- If the Department determines that the Development Corporation has failed to comply with the terms and conditions of the financial assistance has failed to observe or perform or cause the observance or performance of any covenant contained in the agreement, the or any statement, certification, representation or warranty made by or on behalf of the Development Corporation shall prove to have been untrue or incorrect in any material respect when made. The Department shall terminate the loan in whole, or in part, at any time before the date of completion.

- 3) Termination by Agreement -- The Department and the Development Corporation shall terminate the financial assistance agreement in whole, or in part, when the Department and the Development Corporation agree that the continuation of the project objectives would not produce beneficial results commensurate with the future expenditures of funds.

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Section 545.495 General Terms Governing Relending EMERGENCY

When Financial Assistance provided by the Department is used by the Development Corporation for relending to or direct investments in Illinois based firms, the Corporation shall meet the following standards:

- a) Applications -- An application for a loan or a security investment submitted to the Development Corporation MAY REQUIRE FACTS ABOUT THE COMPANY'S HISTORY, JOB OPPORTUNITIES, STABILITY OF EMPLOYMENT, PAST AND PRESENT CONDITION AND STRUCTURE, ACTUAL AND PRO-FORMA INCOME STATEMENTS, PRESENT AND FUTURE MARKET PROSPECTS AND MANAGEMENT QUALIFICATION, AND ANY OTHER FACTS DEEMED MATERIAL TO THE FINANCING REQUEST. The Development Corporation SHALL OBTAIN AND SUCH ADDITIONAL INFORMATION CONCERNING THE APPLICATION AS IT DEEMS NECESSARY AND DILIGENT.
- b) Financial Analysts -- The Development Corporation SHALL, ON THE BASIS OF THE APPLICATION, AND ANY OTHER INFORMATION, PREPARE A REPORT CONCERNING THE CREDIT-WORTHINESS OF THE PROPOSED BORROWER, THE FINANCIAL COMMITMENT OF OTHER INVESTORS, THE MANNER IN WHICH THE PROPOSED BUSINESS PROJECT WILL ADVANCE THE ECONOMY OF THE STATE, AND THE SOUNDNESS OF THE PROPOSED FINANCIAL ASSISTANCE AGREEMENT.

- c) Other Financing -- Assistance shall BE AWARDED ONLY IF OTHER FINANCING WITH RESPECT TO THE BUSINESS PROJECT IS PROVIDED. OTHER FINANCING MAY BE IN THE FORM OF ANY LOAN, EQUITY POSITION, CONVERTIBLE PREFERRED STOCK, LETTER OF CREDIT, GUARANTEE, BOND PURCHASE OR ANY OTHER FORM APPROVED by the Development Corporation.

- d) Adequate Security -- Loans or security investment MAY BE SECURED BY FIRST OR SECOND POSITIONS ON REAL OR PERSONAL PROPERTY, BY ROYALTY PAYMENTS, BY PERSONAL NOTES OR GUARANTEES, OR BY ANY OTHER SECURITY SATISFACTORY TO THE Development Corporation.

- e) Terms and Provisions -- Loans or security investments shall BE IN SUCH PRINCIPAL AMOUNT AND FORM, AND CONTAIN SUCH TERMS AND PROVISIONS WITH RESPECT TO THE PROPERTY, INSURANCE, REPAIRS, ALTERATION, PAYMENT OF TAXES AND ASSESSMENTS, DELINQUENCY CHARGES, DEFAULT REMEDIES, ADDITIONAL SECURITY AS SHALL BE DETERMINED ADEQUATE.

- f) Loans -- IN DETERMINING IF A LOAN IS TO BE PROVIDED, the Development Corporation SHALL DETERMINE WHETHER THERE WILL BE AN EXPECTED IMPROVEMENT IN PRODUCTION LEVELS, QUALITY OF OUTPUT OR TIMELINESS OF DELIVERY AND THAT THE NUMBER OF JOBS TO BE CREATED OR RETAINED IS REASONABLE IN RELATION TO THE LOAN FUNDS

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REQUESTED.

- 9) Qualified Security Investments -- IN DETERMINING IF A QUALIFIED SECURITY INVESTMENT IS TO BE MADE, the Development Corporation SHALL FIND THAT THERE IS A LIKELIHOOD OF COMMERCIAL FEASIBILITY GIVEN THE STATE OF DEVELOPMENT OF THE PROPOSED PRODUCT, PROCESS, OR TECHNICAL DEVICE, AND THAT THERE IS A LIKELIHOOD OF INCREASED JOB OPPORTUNITIES IN THE NEAR TERM AS A RESULT OF THE SECURITY INVESTMENT.

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED REPEALER

- 1) Heading of Part: Vehicle Inspection Stations Governing School Buses
- 2) Code Citation: 92 Ill. Adm. Code 452
- 3) Section Numbers: Adopted Action:
452.10, 452.20, 452.30, 452.40, Repeal
452.50, 452.60, 452.70, 452.80, Repeal
452.90, 452.100, 452.110, 452.120, Repeal
452.130, 452.150, 452.160, 452.170, Repeal
452.Table A, 452.Table B, 452.Table C, Repeal
452.Table D, 452.Table E, 452.Exhibit A Repeal
- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 13-101 - 13-114
- 5) Effective date of rules: December 1, 1989
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rule contain incorporations by reference? No
- 8) Date filed in agency's principal office: November 21, 1989
- 9) Notice of proposal published in Illinois Register:
June 30, 1989, 13 Ill. Reg. 10222
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued to JCAR? No agreements between the Department and the JCAR were necessary.
- 13) Will this rule replace an Emergency Rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of rules:

By this rulemaking, the Department repeals Part 452 in its entirety, and elsewhere in this issue of the Illinois Register adopts new rules on Vehicle Inspections (Part 451).

ILLINOIS REGISTER

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED REPEALER

- 16) Information and questions regarding these adopted rules shall be directed to:

Ms. Cathy Allen
Commercial Vehicle Safety Section
Department of Transportation
Division of Traffic Safety
P.O. Box 19212
Springfield, Illinois 62794-9212
(217) 782-2920

By Messenger:

320 W. Washington
6th Floor
Springfield, Illinois

ILLINOIS REGISTER

STATE UNIVERSITIES CIVIL SERVICE SYSTEM

NOTICE OF MODIFICATION TO MEET THE
OBJECTION OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

- 1) The Heading of the Part: State Universities Civil Service System
- 2) Code Citation: 80 Ill. Adm. Code 250
- 3) Section Number: 250.70
Action: Modification
- 4) Date Notice of Proposed Rules Published in Illinois Register:
February 17, 1989, 13 Ill. Reg. 1921
(Issue Date)
- 5) Date JCAR Statement of Objection Published in Illinois Register:
October 6, 1989, 13 Ill. Reg. 15879
(Issue Date)
- 6) Summary of Action Taken by the Agency: The Agency has complied with all the recommendations made by JCAR.

Part Heading: Community Care ProgramCode Citation: 89 Ill. Adm. Code 240A description of the rule(s):

The following amendments to existing Sections of Part 240 are being considered for filing during the remainder of this fiscal year:

Section 240.160, Definitions: to correct discrepancies between the JCAR letter of agreement and the amendments to this Section which was adopted July 1, 1989. Also, necessary additional definitions will be added.

Sections 240.715, Need for Long Term Care; 240.720, Clients Prior to July 6, 1982; 240.725, Clients After July 6, 1982; 240.870, Determination of Applicant/Client Monthly Expense for Care; 240.920, Reasons for Denial; 240.1020, Interim Services; and, 240.1950, Adult Day Care Fixed Unit Rates: to implement the revised Determination of Need (DON) form.

Section 240.855, Applicant/Client Expense for Care: to increase the client threshold to the Federal Poverty Level and to eliminate the threshold chart which would otherwise need to be changed to reflect annual adjustments in the Federal Poverty Level.

Sections 240.1520, Vendor Responsibilities, and 240.1550, Standard Requirements for Adult Day Care Vendors: to correct excessive insurance requirements.

Section 240.1850, Technical Rate Review Advisory Committee: to change membership requirements of the Committee.

In addition, the rulemakings will be filed to add the following to Part 240:

- Senior Companion service;
- procurement of Case Coordination Units;
- adult day care vendor participation in the U. S. Department of Agriculture Child Care Food Program (USDA - CCFP).

Statutory Authority: Ill. Rev. Stats. 1987, Ch. 23, par. 6104.01(4), (9), (11) and (12); 6104.02; 6104.03; and, 6105.02

Schedule of dates for hearings, meetings, or other opportunities for public participation: A schedule of any public hearings to be initiated by the Department relative to these rulemakings will be included as part of the Notice(s) of Proposed Amendments.

Date agency anticipates submitting to the Administrative Code Division a Notice of Proposed Amendments for publication in the Illinois Register: Beginning December 15, 1989

Information concerning this regulatory agenda shall be directed to:

Name: Melvin E. Koch
Policy and Rules Analyst
Illinois Department on Aging
Address: 421 East Capitol Avenue
Springfield, Illinois 62701
Telephone: (217) 785-3356

Will this amendment affect small business?

These amendments will affect vendors of chore/housekeeping, homemaker, adult day care, case coordination, and case management services which fall within the definition of "small business" as contained in Section 3.10 of "The Illinois Administrative Procedures Act".

Other pertinent information concerning this amendment:

None

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of November 27, 1989, through December 1, 1989, and have been scheduled for review by the Committee at its January 10, 1990 meeting. Other items not contained in this published list may also be considered by the Joint Committee at its January meeting. Members of the public wishing to express their views with respect to a proposed rule should submit written comments to the Joint Committee at the following address: Joint Committee on Administrative Rules, 509 South Sixth Street, Room 500, Springfield, IL 62701.

Second Notice Expires	Agency and Rule	Start of First Notice	Scheduled for Consideration by JCAR
1/12/90	Secretary of State, Dealers, Wreckers, Transporters and Rebuilders (92 Ill. Adm. Code 1020)	9/22/89 13 Ill. Reg. 14818	January 10, 1990
1/12/90	Department of Mines and Minerals, An Act in Relation to Oil, Gas and Other Surface and Underground Resources (62 Ill. Adm. Code 240)	9/29/89 13 Ill. Reg. 15226	January 10, 1990
1/15/90	Department of Public Health, Illinois Health and Hazardous Substances Registry (77 Ill. Adm. Code 840)	9/29/89 13 Ill. Reg. 15284	January 10, 1990
1/15/90	Department of Rehabilitation Services, Maintenance (89 Ill. Adm. Code 602)	9/22/89 13 Ill. Reg. 14797	January 10, 1990
1/15/90	State Board of Education, Disadvantaged Students Funds Plan--Districts Over 50,000 ADA; Repeal of (23 Ill. Adm. Code 202)	8/25/89 13 Ill. Reg. 13367	January 10, 1990
1/15/90	State Board of Education, Disadvantaged Students Funds Plan--Districts Over 50,000 ADA (23 Ill. Adm. Code 202)	8/25/89 13 Ill. Reg. 13369	January 10, 1990

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSECOND NOTICES RECEIVED
(page 2)

Second Notice Expires	Agency and Rule	Start of First Notice	Scheduled for Consideration by JCAR
1/15/90	Department of Employment Security, Determination of Unemployment Contributions (56 Ill. Adm. Code 2770)	10/6/89 13 Ill. Reg. 15543	January 10, 1990
1/15/90	Department of Nuclear Safety, Licensing Requirements for Source Material Milling Facilities (32 Ill. Adm. Code 332)	4/28/89 13 Ill. Reg. 5874	January 10, 1990
1/15/90	Secretary of State, Mandatory Vehicle Liability Insurance (50 Ill. Adm. Code 8010)	9/15/89 13 Ill. Reg. 14349	January 10, 1990
1/15/90	Department of Rehabilitation Services, Non-Homemaker Service Provider Requirements (89 Ill. Adm. Code 714)	8/11/89 13 Ill. Reg. 12947	January 10, 1990
1/15/90	Department of Public Aid, Medical Payment (89 Ill. Adm. Code 140)	8/18/89 13 Ill. Reg. 13178	January 10, 1990
1/15/90	Department of Public Aid, Hospital Services (89 Ill. Adm. Code 148)	9/1/89 13 Ill. Reg. 13729	January 10, 1990
1/15/90	Department of Public Aid, Medical Payment (89 Ill. Adm. Code 140)	9/29/89 13 Ill. Reg. 15281	January 10, 1990
1/15/90	Department of Public Aid, Medical Payment (89 Ill. Adm. Code 140)	10/6/88 13 Ill. Reg. 15612	January 10, 1990

**PROCLAMATION
89-547**

RECOGNIZES THE WHEATON JUNIOR WOMAN'S CLUB

Whereas, the Wheaton Junior Woman's Club has been devoting time and energy to improving the quality of life for the Wheaton community since 1949; and

Whereas, during the past 40 years, the Wheaton Junior Woman's Club has donated more than one million hours of community service to Wheaton through programs such as Care Meals, Recycling Center staffing, Wheelchair bags for Marianjoy Rehabilitation Center, and DuPage Convalescent Bingo; and

Whereas, in the past year, the Wheaton Junior Woman's Club gave more than \$30,000 in philanthropic donations to needy organizations such as Donka, Inc., Sunnyridge Family Shelter, and Hospice of DuPage and;

Whereas, the Wheaton Junior Woman's Club is celebrating its 40th anniversary this year;

Therefore, I, James R. Thompson, Governor of the State of Illinois, recognize the WHEATON JUNIOR WOMAN'S CLUB for its commitment to improving the quality of life in the Wheaton community and congratulate the club for achieving its 40th year of existence.

Issued by the Governor November 22, 1989.

Filed with the Secretary of State December 4, 1989.

89-548

**CONGRATULATES THE SAINTS PETER AND PAUL
PARISH FAMILY/75th ANNIVERSARY**

Whereas, the Saints Peter and Paul Parish Family is observing its 75th year of existence; and

Whereas, His Eminence, Joseph Cardinal Bernardin will celebrate the Jubilee Mass on Sunday, December 17, 1989; and

Whereas, a celebration of the Sacrament of the Anointing of the Sick will take place in the spring; and

Whereas, several other celebrations will be held in honor of the anniversary year;

Therefore, I, James R. Thompson, Governor of the State of Illinois, extend congratulatory wishes to the SAINTS PETER AND PAUL PARISH FAMILY on its 75th anniversary.

Issued by the Governor November 28, 1989.

Filed with the Secretary of State December 4, 1989.

89-549

FARM WOMEN'S MONTH

Whereas, the economic hub of Illinois is its agriculture; and
Whereas, the management and operation of a farm requires vast amounts of time, energy, skill and family support; and

Whereas, farm women are true partners with their families in the business of farming; and

Whereas, Illinois farm women are being recognized as valuable business partners to their farm families and for their efforts in promoting a better urban/rural understanding;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim November 1989 as FARM WOMEN'S MONTH in Illinois in recognition of their contributions to their families, their communities, and the business of agriculture.

Issued by the Governor November 28, 1989.

Filed with the Secretary of State December 4, 1989.

89-550

RECOGNIZES TERRY C. PAUL

Whereas, Terry C. Paul began his career in the home building industry in 1968 with the Builders Association of Greater Indianapolis; and

Whereas, he rose to the position of executive director before leaving in 1977; and

Whereas, Terry C. Paul has served as the executive vice president for the Home Builders Association of Illinois since 1977, and was instrumental in the revitalization of the organization;

Therefore, I, James R. Thompson, Governor of the State of Illinois, recognize TERRY C. PAUL for his contributions to the advancement of the home building industry.

Issued by the Governor November 28, 1989.

Filed with the Secretary of State December 4, 1989.

89-551

BISHOP TIMOTHY J. LYNE DAY

Whereas, Bishop Timothy J. Lyne was named senior associate at the Holy Name Cathedral in 1966; and

Whereas, Bishop Lyne was named pastor of the Holy Name Cathedral in 1967 and has served in that capacity since that time; and

Whereas, during his tenure as pastor, Bishop Lyne undertook the responsibility of coordinating the total renovation of the Cathedral, and has worked to maintain the appearance of the Cathedral as well as the quality of the events and liturgy it produces; and

Whereas, Bishop Lyne will retire as pastor of Holy Name Cathedral on January 1, 1990, but will continue to serve the Archdiocese as Auxiliary Bishop;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim November 19, 1989, as BISHOP TIMOTHY J. LYNE DAY in Illinois in recognition of Bishop Lyne's devotion to the church and the community.

Issued by the Governor December 1, 1989.
Filed with the Secretary of State December 4, 1989.

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